

# CMI REPORT

## Conciliatory Approaches to the Insurgency in Afghanistan: An Overview

Astri Suhrke, Torunn Wimpelmann Chaudhary, Aziz Hakimi,  
Kristian Berg Harpviken, Akbar Sarwari, Arne Strand

**R 2009: 1**



**PRIO**

International Peace Research Institute, Oslo  
Institutt for fredsforskning

**CMI** CHR.  
MICHELSEN  
INSTITUTE



# Conciliatory Approaches to the Insurgency in Afghanistan: An Overview

Astri Suhrke, Torunn Wimpelmann Chaudhary, Aziz Hakimi,  
Kristian Berg Harpviken, Akbar Sarwari, Arne Strand

**R 2009: 1**

**CMI Reports**

This series can be ordered from:

Chr. Michelsen Institute  
P.O. Box 6033 Postterminalen,  
N-5892 Bergen, Norway  
Tel: + 47 55 57 40 00  
Fax: + 47 55 57 41 66  
E-mail: [cmi@cmi.no](mailto:cmi@cmi.no)  
[www.cmi.no](http://www.cmi.no)

Price: NOK 50

Printed version: ISSN 0805-505X

Electronic version: ISSN 1890-503X

Printed version: ISBN 978-82-8062-315-7

Electronic version: ISBN 978-82-8062-317-1

A report prepared by CMI and PRIO for the Norwegian Ministry of Foreign Affairs, January 2009

This report is also available at:  
[www.cmi.no/publications](http://www.cmi.no/publications)

**Indexing terms**

Peace  
Reconciliation  
Afghanistan

**Project number**

28068

**Project title**

Everyday peacebuilding

## Contents

<b>1. INTRODUCTION .....</b>	<b>1</b>
<b>2. SUMMARY REPORT .....</b>	<b>3</b>
2.1 NEGOTIATIONS .....	3
2.2 FACILITATION AND CONFIDENCE BUILDING MEASURES: THE PEACE <i>JIRGA</i> .....	5
2.3 SOCIAL OUTREACH TO COMMUNITIES .....	6
2.4 LOCAL BARGAINS FOR PEACEFUL CO-EXISTENCE .....	6
2.5 BOTTOM-UP PEACEBUILDING.....	7
2.6 PROGRAMS FOR AMNESTY AND SURRENDER.....	8
2.7 TRANSITIONAL JUSTICE .....	9
2.8 THE REGIONAL CONTEXT .....	10
2.9 CONCLUSIONS .....	12
<b>APPENDIX: BACKGROUND PAPERS.....</b>	<b>14</b>
BACKGROUND PAPER I: NATIONAL INITIATIVES FOR RECONCILIATION AND POLITICAL INCLUSION .....	14
BACKGROUND PAPER II: PARLIAMENTARY INITIATIVES FOR RECONCILIATION AND POLITICAL INCLUSION ..	24
BACKGROUND PAPER III: INTERNATIONAL INITIATIVES FOR RECONCILIATION AND POLITICAL INCLUSION ..	31
BACKGROUND PAPER IV: LOCAL BARGAINS FOR PEACEFUL COEXISTENCE .....	37
BACKGROUND PAPER V: LOCAL PEACEBUILDING .....	44



# 1. Introduction

This report is a preliminary mapping of initiatives designed to promote peace and reconciliation in Afghanistan. It is a snapshot in time, focusing on practices or arrangements that were still ongoing during the second half of 2008, or had recently been undertaken and stored, as it were, in the public inventory of conflict mitigating and peacebuilding measures.

The report focuses on initiatives related to the insurgency mounted by Taliban soon after they were driven from power by the US and the Northern Alliance forces in late 2001. The insurgency steadily gained strength after 2004 and, while most strongly entrenched in the east and the south, by the end of 2008 the insurgents had moved closer to Kabul. They posed a serious threat to the authority of the government, were a growing source of regional tension, particularly in relation to Pakistan, and challenged the very credibility of NATO, which failed to get the military upper hand despite increasing force deployment. By the end of 2008, the international force level in Afghanistan had reached 79 000. With scheduled additions of US troops in 2009, it would rise to around 100 000, approximating the size of the Soviet contingent before Kremlin started the withdrawal in 1989.

Until late 2008, the parties to the conflict concentrated their efforts on weakening or defeating the adversary. There were some attempts to build bridges, or at least establish contacts, among the adversaries, but with little result. The inauguration of President Barack Obama and the appointment in January 2009 of Richard Holbrooke as a “super-envoy” to Afghanistan and Pakistan raised some hopes that a peace-deal was on the horizon. Holbrooke’s prominent role in brokering the Dayton peace agreement for the former Yugoslavia was duly noted. It is therefore an opportune moment to consider what infrastructure for political conciliation already exists on the ground in Afghanistan.

This report provides an overview of the following kinds of initiatives that have been tried or developed since 2001:

- Negotiations aimed at political inclusion/power sharing
- Facilitation and confidence building measures: Assemblies to explore common grounds or strategies for peace (*peace jirgas*)
- Co-optation or integration: social outreach programmes by the government towards actual or potential opponents
- Arrangements for peaceful-coexistence on the local level
- Peacebuilding activities: joint activities, improved communication or mediation among actual or potential adversaries
- Programmes for amnesty and surrender
- Programmes of transitional justice as a step towards reconciliation

This report covers the principal events and programmes in these areas. It is a preliminary study, designed as a pilot project to explore conciliatory approaches to the insurgency in Afghanistan. It draws on fieldwork (interviews, meetings, observations, document analysis) in Afghanistan in July and October 2008 as well as additional desk studies. The research team produced four background papers, mostly based on field notes, which are included in the Appendix to the summary report.

The report is the work of a joint CMI/PRIO team in collaboration with Afghan partners. The team consisted of Aziz Hakimi and Akbar Sarwari on the Afghan side; Astri Suhrke, Arne Strand and Torunn Wimpelmann Chaudhary from the Chr. Michelsen Institute (CMI), and Kristian Berg Harpviken from the International Peace Research Institute, Oslo (PRIO).

The report was commissioned by the Norwegian Ministry of Foreign Affairs, Section for Peace and Reconciliation.



## 2. Summary report

### 2.1 Negotiations

Until *Eid al-Fitr* of 2008, there had been no national-level talks between the government of Afghanistan and the militant opposition represented by the Taliban and Hezb-e-Islami. The Afghan adversaries seemed locked into mutually unattractive positions. The militants demanded that foreign forces must leave Afghanistan before talks commence, and said they would not negotiate with what they denounced as the puppet-government of Hamid Karzai. The Afghan government – which formally was to be in the lead on the other side of the table – also set preconditions: the insurgents must lay down their weapons and renounce violence and respect the new Constitution. They would then be permitted to operate politically within the democratic framework of Afghanistan, along the lines of other groups.

There appeared to be a basic unwillingness on both sides to engage in talks involving substantive compromises. Whatever the views within the Afghan government, Karzai's formal position reflected that of his main allies, above all the United States, on whom the government was militarily and economically totally dependent. The US-led coalition had invested heavily in a military strategy to defeat the militants and was not encouraging negotiations except on terms that would reinforce the post-2001 order in Afghanistan.

The UN mission in Afghanistan had from the beginning been mandated to “promote national reconciliation and rapprochement throughout the country, through the good offices of [the Secretary-General's] Special Representative.” (S/2002/278, para 94(b)). Yet the Bonn conference, which was structured as a meeting of victors and set the framework for the transition period, made this role difficult. Lakhdar Brahimi later admitted that excluding Taliban from Bonn had been an error. Although a logical expression of the immediate post-9/11 political climate, it prevented the conference from negotiating for terms for integration of adversaries.

The next few years saw a revived insurgency and no signs of genuine negotiations. Not until 2007-8 was there some movement. The escalating violence produced a reassessment within the UN and NATO. A new policy consensus emerged to the effect that a military solution alone was impossible; a political solution was necessary. The UN Security Council pointedly called on the SRSR to provide his good offices in support of Afghan led reconciliation programs when it renewed UNAMA's mandate in March 2008 (Res. 1806). Briefing the Security Council on 10 July 2008, the new UNSRSG, Kai Eide, called for a ‘broad based Afghan political dialogue’.

The British, meanwhile, had quietly explored options for tactical negotiations on the local level in order to reduce pressure on British forces stationed in Helmand (see sec 2.4) and, more generally, had sought to convince their American counterparts in Afghanistan that some level of negotiations with the militants would be opportune (see Background Paper III). In particular, it was hoped that talks would divide the opponents and encourage some factions to move away from the more uncompromising leaders closely allied to Al Qaida. As presented by British diplomats in Kabul last year, the negotiating strategy was designed to supplement military efforts to neutralize the adversary. There were no suggestions, at least not public ones, of national-level compromises involving power-sharing.

Nonetheless, the British appear to have played a role in facilitating the talks that took place in Saudi-Arabia in October last year between representatives of the Karzai government and the

Taliban and Hezb-e-Islami. At the very least, the United States must have consented as well. Little is known about the process, but as the first high-level talks among the adversaries it received much attention and generated some hopes. Both sides played down the significance, however, pointedly calling the meeting ‘non-talks’ occasioned by the invitation of the Saudi royal family to jointly break the fast of Ramadan. There were reportedly follow-up meetings in Pakistan, involving Pakistani officials. Karzai gave encouraging signals by reiterating his willingness to talk to Mullah Omar, saying he would even guarantee the Taliban leader’s physical security if he came to Kabul (a promise many considered unrealistic).

In principle, power-balancing and power-sharing are key factors in the quest for reconciliation and peace. This is qualitatively different from a concept of reconciliation that asks individuals to give up fighting and integrate in the post-2001 political order, as some Taliban and several Hezb-e-Islami already have done. Many of them ran successfully for Parliament and some have been rewarded by high administrative positions. Yet the terms of integration in this scheme are laid down by the government. The official expression captures its one-sided nature: the persons have ‘reconciled with’ the government.

If Karzai considers a national power-sharing formula, it is a risky move. Although the initial contacts in Saudi Arabia occurred with the support and/or consent of the UK and the US, their approval of further negotiations depends upon what direction they take. The incoming US administration has signalled that future talks, while desirable in principle, should have a regional focus – which raises enormously complicated issues of relations with Afghanistan’s neighbours – and must be conducted from a position of military strength, as the military escalation planned for 2009 shows.

There are domestic constraints as well (see Background Paper II). A compromise by its nature would entail concessions to Taliban and Hezb-e-Islami. This would probably alienate ex-mujahedin factions who had fought Hezb-e-Islami and the Taliban during the 1990s and still consider them their main enemy. These factions remain powerful, some are deeply entrenched in the state administration, and together (with some additions) they form the only nominally united political opposition to Karzai (the United National Front). Power-sharing with Taliban and Hezb-e-Islami would also strengthen the power of Pashtuns relative to the minorities (Tajik, Hazara, Uzbek, etc). The prospect would be reinforcing existing deep-seated ethnic divisions and alienate professionals and large parts of the urban population, as well as many groups organized around women’s and human rights.

The pressures of elections could well shape the government’s negotiating strategies. Karzai has declared he will run for president in 2009, whether elections are held by direct popular vote or, if security conditions do not permit, the president is selected by a specially called *loya jirga*. Direct elections confer greater international legitimacy and are preferred by the international community. In this case, Karzai has strong incentives to make a deal with militants in the south and the east to ensure they will not block registration and voting. In return, the militants may be offered political inclusion at the local level. A local power-sharing of this kind may be attractive to insurgents who have strong local roots and where the conflict is more about tribal rivalries and local power than larger issues of Islam and nationalism. This feature of the insurgency appears to be common in large parts of the embattled southern and eastern regions. Local-level power sharing, however, is unlikely to meet demands of militants who have broader national vision and ambition. That includes Taliban and Hezb-e-Islami members, although it is unclear how many and strong they are.

The offer of entry into the political arena in return for respecting the Constitution and laying down arms is a familiar exit-strategy from civil wars. The deal has been central in several successful peace negotiations, notably El Salvador (1992), Mozambique (1992) and Nepal (2006).

In all cases the rebels benefited from the bargain. In El Salvador and Mozambique, insurgents-turned-politicians won mayoral and provincial elections as well as seats in the national assembly; in Nepal they captured state power through nationwide elections. A similar offer of ballots-for-bullets is less attractive to the militants in Afghanistan. Whatever their own belief in the usefulness of liberal political institutions, there is the fact that political power in post-2001 Afghanistan resides only marginally in elected bodies. The Parliament has very little power in two central elements of state power – disposition of military forces and national finances. Foreign states and donor agencies hold decisive power in both areas. In the sub-national administration, provincial governors and police chiefs are appointed by the central government, not elected. Provincial councils, while recently established as elected bodies, have little power. Only the president is a significant elected figure. Several ex-Hezb members and some ex-Taliban have nevertheless chosen this option. There are over 30 ex-Hezb-e-Islami members in Parliament and half a dozen ex-Taliban.

The limited prospect for ‘grand bargain’ negotiations on the central level had by the end of 2008 generated more modest initiatives and programs for peace and reconciliation.

Such initiatives receive widespread support from the Afghan public. The most comprehensive national consultation to date on these issues was undertaken by the Afghan Independent Human Rights Commission in 2004. The Commission reported an overwhelming majority of the people (almost 80%) expressed a desire for “reconciliation among the people” of Afghanistan. To this end, many favoured a Truth and Reconciliation Commission (41 %), others felt social justice for victims, and reconciliation through the traditional *jirga* or *shura* was most important.<sup>1</sup>

## 2.2 Facilitation and confidence building measures: the peace *jirga*

So-called peace *jirgas* invoke the traditional Pashtun assembly as a forum for solving conflicts and arriving at common decisions through deliberations. While having restricted members (the traditional *jirga* included only men, especially tribal elders and religious figures), the *jirga* is a deliberative institution that commands respect and legitimacy among Afghan, particularly the Pashtun. The other ethnic communities have equivalent structures (the *shura*). The *jirga/shura* has consequently been re-invented as a forum for mediating conflicts associated with the insurgency through deliberation and conciliation. From a conflict resolution perspective, the *jirga* represent a tool of facilitation or confidence building.

Peace *jirgas* have been initiated on several levels and by diverse actors. On the inter-government level, there is the Pakistan-Afghanistan Peace *jirga* (see sec. 2.8) Within Afghanistan, frustration over the protracted and costly war has led individuals and groups towards the *jirga* format as well. A female, reformist parliamentarian elected from the generally conservative eastern province of Paktia, Sharifa Zurmati Wardak, announced the formation of a national peace *jirga* in late 2007. The initiative was partly in response to the *jirga* called by presidents Karzai and Musharraf and its limitations as an intergovernmental body.

The alternative *jirga* concept is based on the participation of communities and seeks to use tribal elders and religious figures as interlocutors with the insurgents to facilitate talks and reduce violence. The Zurmati *jirga* claims to have 5000 members, mainly in Pashtun areas of the east and central region where the insurgents are strong. While having no visible achievements to show as yet, as a network institution the *jirga* could potentially facilitate talks and mediate conflict on the local level. Several ex-Taliban members attended the launch in Kabul.

---

<sup>1</sup> AIHRC, *A Call for Justice*, January 2005, pp. 36-38. [http://www.aihrc.org.af/Rep\\_29\\_Eng/rep29\\_1\\_05\\_call4justice.pdf](http://www.aihrc.org.af/Rep_29_Eng/rep29_1_05_call4justice.pdf)

An Afghan NGO with expertise and ties to the embattled eastern provinces, The Tribal Liaison Office (TLO), has also tried to establish peace *jirga* involving community leaders. The primary purpose has been to improve community relations with the central government and US/NATO forces operating in their areas. The premise of the program is that better relations with the government and the international forces can avoid misunderstanding, reduce conflicts of interest and prevent alienation of the community. Overall, the aim is to improve the security environment and enhance stability and reconciliation. Two *jirgas* were held in Paktia province in 2006, followed by two assemblies held in Kabul in 2007 with participation of traditional and elected representatives from six eastern provinces. A *jirga* delegation also met with President Karzai, but failed to meet with representatives of US and NATO forces, and there the process ended.

## 2.3 Social outreach to communities

The social outreach program under the newly established Independent Directorate of Local Governance (IDLG) is part of the revised counter-insurgency strategy of the government and its allies. Building on a 'hearts&minds' approach, the strategy emphasizes good governance and community-oriented development. The IDLG initiative entails establishing local Social Outreach Councils (SOC) in sensitive or potentially difficult areas. The councils are expected to mediate relations between the community and the government so as to bring the communities over to the government side in the conflict. Proponents consider it a proactive form of peace and reconciliation (See Background Paper I, sec. C).

Pilot projects were started in Wardak province just south of Kabul in 2008, at a time when the province was experiencing increased insurgency activity. The program will be expanded to other provinces in 2009 with support from by the UN and major donors,

Initial reports suggest the concept has several limitations. The process of selection (by the sub-national administration and the local communities) makes SOC appear as yet another central government structure that may undermine or compete with genuine community-based structures. The members of the pilot SOC in Wardak, it turned out, were from the minority Hazara population and resided in Kabul. Critics call for building on what is already on the ground instead of creating new and possibly parallel organizations.

The role of the SOC in the security sector is unclear, as is the relationship to the village militias being formed under US sponsorship in Wardak. As of early 2008, the IDLG and Ministry of Interior (MoI) had agreed to split roles. The IDLG would continue to establish district SOC whose members would assist with the identification of recruits for the local militias. The MoI would train and equip the militias. The latter would serve local security needs and cooperate with Afghan and foreign security forces in combating the insurgents, mostly by providing local level intelligence on insurgents' movements. The militias would report to the MoI through the local chief of police. However, since the men were introduced by the SOC, the Councils are concerned that they may be held responsible if the militias misbehave. The lines of reporting are still being discussed.

## 2.4 Local bargains for peaceful co-existence

Musa Qala has become the generic term for local bargains that ensure the co-existence – if not reconciliation - of all parties, but also symbolizes the frailty of such deals.

Musa Qala is a district in northeastern Helmand. The British forces in the province were initially deployed in small and scattered units ('platoon house strategy') to demonstrate presence, protect the district administrations, and test out the much-publicized 'ink spot strategy' whereby influence

would spread outwards from each spot. Musa Qala was one of these spots, but instead of influence extending outwards, the opposite occurred. The British forces found themselves outnumbered and besieged. Considering a reinforcement strategy too risky and costly, they made a virtue of necessity and negotiated a deal that permitted their withdrawal, but also bound the Taliban to stay out of the district center (or leave their weapons outside if they entered). Within the district center, tribal elders, a local militia and the district administration ruled under the authority of the provincial governor and, ultimately, the central government. The deal, struck in October 2006, lasted about three months. The collapse was reportedly triggered by a US bombing raid, but the subsequent ease with which the Taliban took the district in February 2007 reflected the lack of central government support for the arrangement and the its new administrative leaders. Subsequently, Taliban control of the town sparked another round of fighting; US and ISAF forces launched an offensive and recaptured the town in December 2007 (See Background Paper IV).

Instead of confronting international forces head-on in the December fighting, the Taliban had withdrawn their forces. To prevent further violence, the British and an EU representative, Michael Semple, advocated a local reconciliation program for the Taliban fighters. Known as Musa Qala II, the idea was to enroll the Taliban in a demobilization and reintegration camp. The idea did not seem outlandish; the new governor of the district, Mullah Abdul Salam Kajaki, was an ex-Taliban who had defected (along with 300 of his followers) to the government side only a month earlier, during the US/ISAF offensive to retake the town. The reconciliation initiative backfired, however. The Karzai government expelled Semple and one of his UN colleagues (Mervyn Patterson) from the country, claiming they were engaged in unauthorized talks with the Taliban. Semple maintains that the government was fully informed and had approved the initiative. Rather, the talks were opposed by groups with vested interests in continued conflict and bad governance – powerful networks that controlled much of the provincial administration and its lucrative opium trade and had ties in Kabul to the president as well as the national intelligence agency (NDS). If so, Musa Qala II became the victim of conditions that characterize much of the southern region and have made similar deals difficult to undertake.

A general conclusion from Musa Qala events is that local bargains are possible – support for the insurgency often reflects dissatisfaction among tribal groups that have been marginalized or dispossessed in the local power struggle – but such deals need to be carefully nurtured on all levels and from all sides. If some are successful, an ink spot strategy based on pockets of co-existence or even reconciliation might indeed work.

## 2.5 Bottom-up peacebuilding

Afghanistan has a long tradition of local conflict resolution among families, villages, tribes and larger social entities. The practice relies on traditional norms and consensus-seeking solutions following compensation or exchange between the parties. The power of the traditional institutions in this regard - the (all male) councils (*jirga* in Pashtun communities, *shura* in other ethnic groups) – has been reduced over the years with the emergence of military organisations, commanders and warlords. Yet these traditional structures for mediation still exist, both in Kabul (where the Tajik, Hazara, Turkmen and Uzbek all have their central *shura*) and at the local level. They remain important in preventing and settling local conflicts.

Given the tendency for local disputes to become violent and link up with broader, ethnic or other forms of organized conflict, local mediating institutions are important in both a local and national perspective. The activities of these *jirgas/shuras* constitute one form of local peacebuilding.

A second type is associated with activities of organizations engaged in rehabilitation and development projects. Recognizing that aid can fuel conflicts, as exemplified in the “Do No Harm” concept, the aim is to address and reduce local conflicts by the way projects are organized.

A third type of local peacebuilding is for organisations to establish projects or activities to strengthen traditional conflict resolution structures or establish new at village and district levels. Activities include civic education, advocacy, reconciliation and capacity building programs, developing an understanding of constructive transformation of conflicts, and help existing *jirga/shura* to develop their tools for conflict resolution. Some of the Afghan organizations have strong on-the-ground experience in local level peacebuilding (See Background Paper V).

There is an understanding among these organisations that peace-building is both a long-term process and a challenging task given insecurity in many areas of Afghanistan, the presence of powerful and armed actors, high unmet social and development needs, and the lack of a formal legal system. Organizations working in this area try to help local communities acquire processes and skills to manage their conflicts in less violent ways, while raising awareness of rights and establish networks that support social transformation.

## 2.6 Programs for amnesty and surrender

The Afghan Parliament in 2007 passed a blanket amnesty bill (see 2.7 below), but the only institutionalized program that currently offers amnesty to the militants is run by what is English is often called the National Commission for Peace and Reconciliation (in Dari called *Programme Takhim e Solh* (PTS), or Commission for Strengthening Peace and Stability). Established in 2005, the Commission was officially launched as the centrepiece of an official national reconciliation policy. Yet the program soon became subject to criticism from its original sponsors and by the end of 2008 its future in doubt.

The Commission was established by the Afghan government with close support from the US, the UK and the Dutch governments. The Commission maintains offices in 12 of the country’s 34 provinces, mainly in the south and east. Taliban commanders are invited to “reconcile” with the government by renouncing violence and reintegrate into civilian life. In return, they are given amnesty, a certificate of demobilization and a small financial stipend. The Commission is headed by an influential religious and political figure, Sibghatullah Mojadiddi, and uses nationalistic and religious appeals to persuade the fighters to defect. The Commission also works to secure the release of Afghans detained by the United States in Afghanistan and at Guantanamo.

By the second half of 2008, the Commission claims to have contributed to the release of 721 Afghan prisoners from US facilities (out of an estimated 13 000) and “reconciled” around 6,000 insurgents.

The original donors and the government claim the figure of reconciled Taliban is inflated and probably includes non-combatants, inactive Taliban or refugees returning home who wish to collect the stipend (however small) and receive the official certificate of approval. Measured against the original British and American expectations that it would be a useful national security instrument, the Commission has largely failed. It has not delivered any high-ranking Taliban commanders and has produced little intelligence regarding the organization and operations of the militants. Certified ex-Taliban fighters have primarily been low-level commanders with a few followers. The original donors are consequently reconsidering their support.

The program has exposed both the beneficiaries and Commission officials to some risk. A locally-based official who had been particularly active in Kandahar was killed. *Ulama* and tribal elders who encouraged people to ‘reconcile’ with the Commission have been kidnapped and killed (e.g. in Ghazni).

Overall, the programme has suffered from a multiplicity of objectives and a fractured conceptual foundation. If the main purpose was to encourage high-level Taliban to surrender, analysts say, stronger security guarantees and a fuller reintegration package of economic as well as political incentives – and not just a call to surrender - would have been appropriate. Instead, the programme was developed as a low-budget measure, expected to deliver military and intelligence benefits, but wrapped in a language of peace and reconciliation. As a result, donors were in mid-2008 discussing with the government whether the Commission’s activities should be reformed or turned over to another agency.

## 2.7 Transitional justice

The blanket amnesty bill passed by the Parliament in 2007 was designed by its sponsors as a defense against calls for accountability of those suspected of war crimes and crimes against humanity perpetrated during the factional fighting of the early 1990s. After 2001, some of these persons held high political office or were positioning themselves to reclaim positions of power. Meanwhile, the demand for transitional justice was mounting.

Afghan and international human rights organizations maintained that as a matter of principle and historical practice, transitional justice that punished perpetrators and recognized the suffering of individuals was a precondition for reconciliation and enduring peace. As interim leader, Hamid Karzai had publicly supported calls for transitional justice and had committed himself and his administration to take practical steps. The Afghan Independent Human Rights Commission conducted in 2004 wide-ranging national consultations on the issue and found a “rich understanding of and strong desire for justice among the people for both past and current crimes.”<sup>2</sup> Building on this report, the AIHRC and UNAMA worked with the government to develop the *Action Plan on Peace, Justice and Reconciliation*, which was launched in late 2005. Simultaneously, international human rights organizations released reports detailing alleged war crimes and crimes against humanity committed by named Afghan individuals, some of which held high political office.

In response, ex-mujahedin leaders organized a massive demonstration of public support and both houses of the Parliament passed a resolution in early 2007 on “National Stability and Reconciliation”. The resolution provides blanket amnesty from prosecution to “all opponents” who join the reconciliation process, and extended the provision to present opponents of the Republic provided they abide by the Constitution and other laws.

The final legislative outcome was a bill that allows individuals to bring criminal cases against alleged human rights violators to court, but places the burden of proof on the plaintiff and provides no mechanism for protection. Moreover, Afghanistan has no specific legislation governing war crimes and crimes against humanity. A proposal to establish a special prosecutor’s office and a war crimes tribunal was included in early drafts of the Action Plan but removed before from the final version that was eventually approved by the cabinet. As a result, a central pillar of a traditional justice regime is lacking. For past offenders, *de facto* amnesty prevails by default.

---

<sup>2</sup> A Call for Justice, *op.cit.* p.41.

## 2.8 The regional context

By the end of 2008, it was increasingly realized that future stability in Afghanistan is critically dependent on addressing the regional dynamics. At the same time, the challenges can appear insurmountable. During the Bonn negotiations of 2001, there was commitment, although reserved, from the key regional actors, but the window of opportunity was quickly closed for several reasons, perhaps most importantly the failure of the US and its international partners to develop a comprehensive regional strategy. Hence, while the emerging consensus on the importance of the regional focus is good news, the intricacy of the situation requires a comprehensive, long-term initiative that is resistant to shocks and setbacks and constructively engages all relevant actors. The post-2001 initiatives at the regional level so far have been piecemeal and had limited impact, although some initiatives deserve examination.

Afghanistan is situated at the intersection of three regions – Central Asia, the Middle East and South Asia – each with a strong security dynamic of its own. For Afghanistan's neighbours, the security concerns in their own region overshadow their relationships with Afghanistan, and to a considerable extent, inform their policies related to that country. Pakistan, for example, is enmeshed in a long-standing rivalry with India, and has therefore aimed at a friendly regime in Afghanistan that could allow it 'strategic depth', which is also why India's strong post-2001 presence in Afghanistan sets off all security alarms in Islamabad. Iran is preoccupied with its influence in the Middle East and the possible threat of the US, which responded after the 9/11 attacks by declaring it part of the 'axis of evil'. The Central Asian states are preoccupied with internal security threats (admittedly with transnational dimensions), and with its relationships to Russia as the regional hegemon. The result is that Afghanistan itself is, at best, a secondary concern for all its neighbours, and that a significant share of their engagement with the country is informed – as in the case of India-Pakistani rivalry – by issues that has nothing to do with Afghanistan.

The picture is further complicated by the way in which various identities and networks transcend Afghanistan's borders, often feeding into strong transnational groups of various orientations. The most obvious example is the Taliban, whose Afghan branch relies on sanctuaries and support networks in Pakistan to operate, but which has also inspired new Taliban groups targeting the Pakistani state. Common ethnicity, religion and ideology foster organizational coherence, and the distinctions between Afghan and Pakistani Taliban are often unclear. Importantly, the transnational armed groups raise questions about whether they are the mere instruments of a state – not surprisingly, given the role of Pakistan, for example, in supporting the Taliban and other groups. Yet, many of the states involved are weak, some have comparatively strong security institutions pursuing objectives of their own, and it is not always easy to tell whether a transnational group is able to operate because a government is willingly supporting it or because it is incapable of preventing it. Pakistan, for example, has a long tradition of building up militant groups for use in the conflicts in Afghanistan and Kashmir (with India), but in recent years, its control over these groups has diminished severely. The intricate relationships between states and transnational networks and groups render many conventional political tools irrelevant, and pose a particular challenge for innovative policy formulation.

Regional organizations are plentiful in Afghanistan's neighbourhood. All reflect the dynamic in one of the regions surrounding Afghanistan. Attempts to place the Afghan concerns firmly on their agenda have brought Afghanistan in as an observer, at times as a full member, yet the core issues quickly take over and place Afghanistan at the periphery. The Shanghai Cooperation Organization (SCO), the strongest multilateral entity in the Central Asian region, but including China and Russia as members, has invited President Karzai to its summits. In 2007, it set up an Afghanistan contact group. The SCO debate focuses mainly on drugs, but general stability in Afghanistan is also on the agenda. SCO does not welcome a protracted US military presence in Afghanistan, and have started



discussing a possible military involvement of its own (although SCO itself is not set up for this). The South Asian Association for Regional Cooperation (SAARC), the main security entity in South Asia, granted membership to Afghanistan in 2007. SAARC is totally overwhelmed by the India-Pakistan rivalry, and does not have an impressive track record, yet could possibly come to play a positive role if the two regional rivals got into a more constructive dynamic. To Afghanistan's west, there is no dominant regional security organization that incorporates Iran, which is indicative of the long-standing tensions between Iran, Iraq and Saudi Arabia. The overall picture is not one where existing regional organizations can serve as a platform for tackling Afghanistan's problems. Regional organizations, to the extent that they function, do not focus on Afghan affairs, and to the extent that it is on their agenda, it is in large measure to formulate strategies for counteracting US influence in the larger neighbourhood.

The Pak-Afghan peace *jirga* is one of the more innovative ideas that have been brought to the table. It was launched at a meeting of presidents Karzai, Musharraf and Bush in Washington in 2006. Initially it was conceived as a forum for discussing the intertwined security challenges of the two countries, engaging a broad spectrum of civil society representatives from the areas close to the border, which are also most severely affected by the conflicts. The Pakistani president was sceptical to the initiative, and consultations were long drawn, resulting in a rather different concept, as Pakistan advocated a *jirga* with solid state representation. Given its troubled beginning, many observers saw the first meeting of the *jirga* in August 2007 as a major achievement. Most significantly, Musharraf gave a concluding speech in which he did admit partial Pakistani responsibility for the unrest in Afghanistan. A 50 member sub-committee was established, and met in Islamabad in October 2008, at a time when relations between the two countries had deteriorated further. The main merit of the Pak-Afghan *jirga* is that it has brought together leaders of the two countries, but it has not become the transnational civil-society forum that was originally envisaged, and there are few signs that it has had an impact on support for the militants on either side of the border. Yet, both president Zardari and President Karzai recently confirmed their commitment to the process, and an organizational meeting is planned in Peshawar in January 2009.

A number of other initiatives have been taken to foster Pak-Afghan dialogue, such as a German initiative that brought Afghan and Pakistani parliamentarians together to discuss mutual concerns. A new initiative by the United Institute for Peace (USIP) works with NGOs in Pakistan and Afghanistan, and aims to set up a series of focused meetings and conferences, involving civil society from both countries, including NGO representatives, tribal leaders, religious leaders, media people and others. This program has been in preparation for a while, and USIP expects to launch it in early 2009.

The most concrete measures to foster collaboration across borders have been on the military front. NATO, Afghanistan and Pakistan, for example, meet at regular intervals in the so-called Tripartite Commission. The commission has had confidence-building among the three parties as a major objective, rooted in the already extensive exchange of intelligence and other information that takes place. The commission has been strained by the ambiguous stance of Pakistan in relation to Afghanistan's insurgency, the Afghan direct accusations of Pakistani involvement in terrorist acts on its territory, and by the escalation of US armed action on Pakistani territory. The commission – and related mechanisms – may have been effective at keeping channels open, but given the belligerent stance of all parties involved, confidence-building must have been difficult. The irony is that when it comes to the strained Afghan-Pakistani relations, it is exactly in the military sector that communication lines have been kept open most effectively.

The renewed interest in the regional aspects of the Afghan conflict has resulted in suggestions for new mechanisms to commit the country's neighbours. Barnett R. Rubin and Ahmed Rashid have recently suggested a contact group - authorized by the UN Security Council and including its

members plus possibly those of other states - to develop a comprehensive regional strategy.<sup>3</sup> The critical step is to start a process based on an acknowledgement of the genuine security concerns of the states in question: Pakistan's concern with India; Iran's worry over US military power, which is shared by Russia and the Central Asian, and so on. The military option, currently applied by the US in Pakistan, is very costly, fosters mounting local resentment, and is poorly suited for dealing with the security dynamics that characterizes the region. A better way forward lies in a comprehensive political process, preferably spearheaded by the UN (but with the full commitment of NATO and the US), and with a clear strategy for how to start tackling the fundamental regional challenges that feed the often unconstructive role of Afghanistan's neighbours. As William Maley points out in a recent article, the challenge '... is not one of accepting the importance of regional cooperation. It is ... making it happen in the face of serious political and psychological obstacles.'<sup>4</sup>

## 2.9 Conclusions

Conciliation and negotiations typically proceed alongside violent conflict, whether pursued tactically by the adversaries in pursuit of the war, or as a genuine effort to exit from it. In the case of Afghanistan, there has as yet been little movement towards negotiations designed to end the insurgency in its national and regional dimensions. By early 2009, scattered calls for a 'grand bargain' seemed to produce only weak echoes. The more immediate prospect was for escalating violence as the US and NATO prepared to significantly increase their military deployment, possibly in preparation for 'negotiating from strength' later on.

Weak and dependent upon its allies, the Afghan government cannot be expected to launch negotiating initiatives on its own. More remarkable, however, is the limited efforts by both the government and its allies to develop a strategically coherent program of reconciliation that can offer a credible defection option to the opponents. The small and poorly devised program of the National Commission for Reconciliation faced an uncertain future in 2008. Attempts to broker cease-fires and bargains that allowed for peaceful co-existence on the local level did not receive much support from either the central government or its principal allies. Donors started to tire of bottom-up peacebuilding programs that did not show immediate and concrete results. Peace *jirgas* initiated by individuals or organizations and directed towards embattled provinces remained modest and ad hoc.

The weak and fragmented state of conciliatory approaches to address the Afghan insurgency contrasts with the generally recognized importance of developing reconciliation options during conflict. Channels for reconciliation rarely offer collective peace, but provide a way out for individuals tired of war and holds out the prospect of an eventual end to the war. "How can you maintain the legitimacy of state violence unless you have a credible reconciliation track", asks Michael Semple, a long-time analyst, aid official and diplomat in Afghanistan (see sec 2.4).

Reconciliation also harmonizes with Afghan traditions that stress pragmatic bargaining and flexible alliances. At present, support for the insurgency often reflects dissatisfaction among tribal groups that have been marginalized or dispossessed in local power struggle. 'The story of almost every front in the insurgency,' one the respondents for this report noted, 'starts with a commander who had tried to reintegrate peacefully but was driven out or underground' by the new government and its supporters that moved in after 2001, backed by US forces. The dynamic suggests that deals can be made on the local level – as was tried most famously in Helmand province - but such deals need to be carefully nurtured on all levels and from all sides.

---

<sup>3</sup> Rubin, Barnett R., and Ahmed Rashid. 2008. "From Great Game to Grand Bargain: Ending Chaos in Afghanistan and Pakistan." *Foreign Affairs* 87(6).

<sup>4</sup> Maley, William. 2009. "Afghanistan and Its Region." Pp. 81-91 in *The Future of Afghanistan*, edited by J. Alexander Thier. United States Institute of Peace, p. 90.

The brief overview of negotiations and conciliatory approaches to insurgency-related conflicts Afghan presented in this report has several policy implications:

- A 'grand bargain' is desirable but very difficult to negotiate. On the national level it would probably entail a measure of power-sharing. A standard element in peace negotiations, which offers rebels full participation in elections in return for laying down arms, has limited relevance in Afghanistan given the insignificant powers vested in elected bodies.
- The importance of the regional context suggests a comprehensive political process, preferably spearheaded by the UN (but with the full commitment of NATO and the US), and with a clear strategy for how to start tackling the fundamental regional challenges that feed the often unconstructive role of Afghanistan's neighbours.
- While waiting for the process towards a 'grand bargain' to move forward, the government's option for reconciliation at the national and local level can be strengthened. This requires a strategic framework that lays out principles for action, coordination and program elements, such as security guarantees for defectors and their followers, economic support and, where relevant, political rewards.
- Local-level truces and arrangements for peaceful co-existence are possible (as demonstrated by Musa Qala I) but are fragile and need to be nurtured. Such deals are particularly relevant in communities that are caught in the cross-fire between the Taliban and the international/government forces. In a variation of the British military 'ink spot strategy', such pockets of 'reconciliation' might extend outwards in a widening circle of peaceful co-existence.
- Bottom-up peacebuilding includes a wide range of ongoing activities. Like confidence-building measures such as peace *jirgas*, they rarely produce immediate and concrete results. Nevertheless, they represent an infrastructure of potential conciliation and, as such, require continuous investment and maintenance in order to deliver in the longer run.

## Appendix: Background papers

### Background Paper I: National initiatives for reconciliation and political inclusion

*By Aziz Hakimi*

During the second half of 2008 a number of Afghan national actors and institutions, supported by the international community, were actively involved in efforts to reach out to insurgents and find a political solution to the conflict. This report briefly describes the efforts of three key actors, the National Reconciliation Commission, also known as PTS, the Independent Directorate for Local Governance (IDLG), and the Afghanistan Independent Human Rights Commission (AIHRC).<sup>5</sup> A concluding section identifies constraints and possibilities to guide future action.<sup>6</sup>

#### A. The Context

The government of Afghanistan has created several mechanisms for political engagement with the insurgents and other opponents. Much of the political outreach and reconciliation efforts of the government are handled by the National Reconciliation Commission, also known as PTS, and the newly established Independent Directorate for Local Governance (IDLG). Members of the National Security Council (NSC) and the National Directorate of Security (NDS), were involved with political outreach and reconciliation initiatives as well, but these were clandestine and difficult to trace at the time.

At the same time, the Afghan government is not the only actor and arguably not the even the major decision-maker in this area. There are several actors and stakeholders and conflicting ideas about how the war and reconciliation efforts are to be managed. There is little coordination among stakeholders. Importantly, the US government and its major allies, particularly the British, have their own views and have pursued independent agendas that differ from that of the Afghan government, and specifically President Karzai. The Afghan government is therefore to a greater extent restricted in what it can and cannot do. For example, Karzai has repeatedly called for negotiations with Mullah Omar and the Taliban, a proposal not officially supported by the US and the UK. The British ambassador in Kabul publicly declared in mid-2008 that power-sharing with the Taliban would be detrimental to Afghanistan, and that his government will not support negotiations with the

---

<sup>5</sup> The *Action Plan on Justice, Peace and Reconciliation* does not address the question of political engagement with insurgents. However, the Action Plan is considered a key document to prepare the environment and conditions for accountability and political reform, thereby contributing to national reconciliation.

<sup>6</sup> Unless otherwise noted, interviews cited in this report were with the author or other members of the research team. Most interviews undertaken for this report were conducted on the basis of confidentiality. For a list of organizations/offices interviewed, see Annex...

Taliban as a faction. The new administration in the United States may of course lead to a change in this assessment.

The government of Hamid Karzai has adequate authority to pursue options for negotiations and reconciliation. Some are inherent in the presidential powers granted by the Constitution. Moreover, the lower and upper houses of parliament have debated the issue and given broad authority to the president to negotiate for peace. This authority is conditioned upon respect for the Afghan Constitution, which includes the need to respect Afghanistan's territorial integrity by not ceding sovereign territory to insurgent; a renunciation of violence and armed struggle by insurgents; and a deepening of the democratic order. The Afghan government also believes it should lead the process and base it on the concept of 'Afghan dialogue'. That means dialogue among conflicting Afghan parties in order to find a solution to the conflict.

The concept of an Afghan dialogue will mean very little, however, if major actors such as US and UK are not supportive. Taliban demand until now has been that foreign forces and Karzai must first leave; then they will talk with the foreigners in charge. Clearly, this is a non-starter at present. Yet some talks with the Taliban and Hezb-e-Islami were held abroad during the second half of 2008, mainly led by the NSC and NDS through contacts in Saudi Arabia and evidently with support from the British and the consent of the United States. The talks were in their initial stages - contacts were being established, confidence built, and the ground for more formal talks explored. The preliminary nature of these contacts was further underlined by the fact that the Karzai government has not yet presented a clear strategy or agenda for negotiations and has not appointed a negotiating team. The National Reconciliation Commission (PTS) has been engaged for more than 3 years, but operates on a very different level, as we shall see below.

On the Afghan political scene, the major opposition group, the United National Front, claims it is ready to support talks, although previously they opposed talks with the insurgents. UNF spokesmen notes, moreover, that negotiations led by the Afghan secret service (NDS) - which is dominated by Taliban and Hezb-e-Islami's former enemies - is an obstacle to progress. The point is well taken: Without trust, negotiations will not go anywhere. At least a minimal security guarantee is a prerequisite for the opponents to join the talks in the first place. The insurgents do not trust the Afghan government's security agencies, which suggests that security sector reform in all 3 agencies is necessary to create trust, and open for genuine negotiations.

The second major problem confronting efforts at peace and reconciliation lies in the links between the Taliban and Al Qaeda and ISI, and the deepening international involvement in the war in Afghanistan. There is a growing concern that Taliban, ISI and Al Qaeda have developed strong and deep links. The Taliban are dependent on these links to wage their jihad against the foreigners and their Afghan government allies. The current NATO strategy of strengthening its military presence in Afghanistan and stepping up the war against the militants reinforce these links and dependencies. A proper recognition of this factor is urgently needed to change course in a direction to end the insurgency. The ISI question is more complicated and will require addressing the regional dimension of the conflict and Pakistan's long standing concerns.

The Afghan government and the UNF have repeatedly dismissed the insurgent's demand for foreign forces to leave Afghanistan as a precondition for talks. The government's response is that once the insurgents renounce violence, stop fighting, join the political process, and work toward the consolidation of peace and stability, the foreign forces at that stage will have no reason to stay. They blame the insurgents for the continuation of conflict and for the foreign forces' presence in Afghanistan.

Independent observers note that sanctions imposed by the UN on the Taliban almost a decade ago restrict initiation of contacts as well. The UN Security Council Resolution 1267 which imposed sanctions on the Taliban in 1999 is formally still in effect.<sup>7</sup> The list of persons targeted has not been updated even though some people on the list have reconciled with the government and others are dead. The US and UK are reportedly willing to make Res. 1267 more dynamic by adding or subtracting names, but Russia has so far opposed this.

## B. The National Reconciliation Commission - PTS

In 2005 the government of Afghanistan established the Strengthening of Peace Commission or PTS, which is also known as the National Reconciliation Commission. The Commission established 12 offices in 12 of the country's 34 provinces. These offices are located mainly in the south and east of the country. Each office is staffed by one or two senior staff and a small number of support staff (PTS claims 15 staffer per office). The commission was set up with international donor money, mainly Dutch, UK and US to persuade mid-level Taliban commanders and their followers to give up violence and live peacefully in government-controlled areas.<sup>8</sup> The Commission used nationalistic and religious appeals plus limited financial incentives. The ex-fighters, it should be noted, were not being brought over for peace talks or sharing of power<sup>9</sup>. They were simply asked to renounce violence and re-integrate into civilian life. PTS reports say close to 6,000 insurgents have opted to give up violence. These figures are disputed by government officials as well as international actors with knowledge of the process. Many of the reconciled Taliban are said to have been, in fact, non-combatants, inactive Taliban or simply refugees returning home. Most of them are said to have been driven by financial considerations, however small. Critics suggest that the process may be a way for PTS leadership to deliver patronage to its own traditional supporters.

The Commission is chaired by the influential religious and political figure, Hazrat Sibghatullah Mojadiddi, with his son, Najibullah Mojadiddi, as deputy chair. According to Najibullah Mojadiddi, the commission was created in recognition of the fact that there could not be a purely military solution to the insurgency. Fundamentally, a political solution was necessary. The Taliban had to be convinced to give up violence and accept the new Constitution. PTS emphasise the need for educating the Taliban, making them realise (like lost sons) that what they are doing is wrong, and by invoking the authority of elders and religious scholars, chiefly that of Hazrat Mojadiddi. It is often quite dangerous, however, for local *ulama* and tribal leaders to support the Commission by trying to convince Taliban to switch side. The commission admits that a number of ulema and community elders have been kidnapped or killed by insurgents, for example in Ghazni. In an interview Najibullah Mojadiddi said he accepted the danger as a necessity for peace, and says his own father had been attacked and wounded. He made a distinction, however, emphasising that the 'real' (perhaps meaning Afghan) Taliban would not perpetrate such crimes.

In terms of procedure, PTS uses either community help to reach out to the insurgents or receive those who are affected by its educational programme and are ready to reconcile. Those who are processed are asked to give up their arms (which are handed through the DIAG process – Disarmament of Illegal Armed Groups), and are registered in the commission's data base. They then receive a demobilisation certificate which helps them against arrest or harassment from government security forces or the Coalition forces. When 'the reconciled' return to their

<sup>7</sup> The Security Council Committee established pursuant to [resolution 1267 \(1999\)](#) on 15 October 1999 is also known as "the Al-Qaida and Taliban Sanctions Committee". The sanctions regime overseen by the committee remains in force. The regime freezes financial assets, imposes a travel ban, and institutes an arms embargo on the persons and groups listed.

<sup>8</sup> Only important commanders received housing and some stipend, while majority received very little financial compensation. There sufficient recognition of the fact that the reintegration package is not attractive enough and should be reviewed.

<sup>9</sup> The exception was the case of Musa Qala, where Mullah Salam was made district governor.

communities, their activities are monitored by the district governor to ensure they live up to their part of the deal and do not breach their commitment to remain peaceful and not rejoin the insurgency.

In addition to reaching out to and reconciling insurgents, the Commission also helps processing of Afghan prisoners released from US detention facilities in Afghanistan or Guantanamo. Commission leaders say they have convinced the US to transfer all but a few of the Afghans detained in the Guantanamo high security detention facility. Upon release, the detainees were brought to the infamous Pul-e-Charkhi prison outside Kabul city. When prisoners are in Afghanistan under US custody, the Commission maintains it is easier to lobby for their release. A committee is in place to review the cases of such detainees (there are 13,000 such prisoners). But those whose cases are requested for review by their communities are prioritised. The Commission reported that 721 Afghan prisoners have been released from US detention facilities since its establishment.

When the Commission began its work, its management realised that the US maintained a blacklist of people they were hunting down and wanting to arrest. Some of these individuals were already in US detention, while others were still on the run from the US. The list was never shared with PTS, but the PTS had to informally check with US authorities every time they wanted to reconcile someone in order to ascertain whether he was on the American list. According to the Commission, this US black list is different from the one established by Res.1267.

To the US and the UK, which initially financed and supported the Commission, it appeared as a national security instrument that could be used to encourage members of the Taliban to surrender and yield intelligence. In this perspective, the Commission was not designed for 'reconciliation'. As a national security tool, however, the PTS has had very limited success. Few, especially high-level commanders have surrendered, while the insurgency has steadily gained much strength. As a result, the US and the UK claim that the Commission has not been able to deliver results based on its stated goals. Commission claims that it has been able to assist with the collection of 'actionable' intelligence is disputed in the international community. The initial expectation and a main reason for the establishment of the PTS was that persons 'reconciled' would provide knowledge about the Taliban to help the Afghan government and its international allies develop a better understanding of the insurgents, what motivates them to fight, how they fight, how they finance their operations, etc.. On this score, according to one of the original donors of the Commission, the PTS has been a failure; there has been little or no intelligence 'knock-on' effect.

With a background of unclear or multiple objectives, and limited results according to the criteria of its initial sponsors, the Commission has been facing a mounting chorus of criticism. Critics maintain the Commission lacks a system to coordinate political and military activities with other Afghan government partners (e.g. NSC, MOI) as well as with international forces and donors. There are concerns over the PTS leadership. Some analysts say the commission should be led by a neutral actor, someone not involved in the history of factional fighting. PTS was also described as a 'poorly run organisation' that lack proper administrative, finance and operational capacity to transparently handle donor funding and effectively implement its programmes.

The PTS management answer the criticism by arguing that the Commission has been a valuable institution that over the years has performed well. They claim PTS closely coordinates its work with relevant national and international entities, for example, through two weekly meetings between the PTS leadership and MoI, MoD, NSC, NDS and the UK and US embassies. As for the limited 'delivery' of high-level commanders, the Commission deputy chair argues that the senior Taliban are mostly controlled now by ISI and Al Qaeda. ISI and Al Qaeda would not allow the Taliban to negotiate for peace. ISI wants the conflict to go on. This makes it difficult for the government to negotiate with a group that is so strongly compromised. In any case, the Taliban demand for

international forces to withdraw makes it impossible to negotiate with them. Therefore, PTS only deals with mid-level commanders.

By second half of 2008 international funding from the original donors had largely ceased, although a number of new donors (Norwegians, Canadians and Japanese) were reportedly interested. Nevertheless, there was a debate within the government and among the international community about whether the PTS had outlived its role or should be restructured. The establishment of a new government agency, the IDLG (Independent Directorate of Local Governance) raised questions whether some of the PTS functions could better be served by the IDLG.

Supporters of the IDLG have been among the strongest critics of the PTS, arguing the Commission was a failure for several reasons: (a) lack of clear strategy, sense of direction and purpose, b) leadership problems – not active, reactive to events, no proactive agenda, c) weak institutional arrangements – few offices, understaffed, under-resourced, programme weak and unable to respond to needs, and d) lack of accountability and transparency. Nevertheless, the head of IDLG, Jelani Popal, said in an interview that PTS is an important mechanism that should be reorganised rather than closed down. He did not see IDLG as taking over PTS responsibilities.

UN officials suggested that PTS and IDLG might work jointly to provide political outreach and promote reconciliation. IDLG is already actively involved in a process of ‘social outreach’ (see below). UN officials also noted that PTS seemed a reactive organisation that rarely seized the initiative. More generally, it was noted that the Commission operated on a small scale that was clearly inadequate for the challenge of combating a surging insurgency that had engulfed much of the south, east and recently the west of the country. Because of its limited capacity and outreach, PTS was unable to deliver in the districts, especially in some of the most troubled areas.

International observers who had followed the work of the Commission in the south found that the PTS had not worked well on the provincial level. It lacked a flexible mechanism. The incentive structure was not sufficiently attractive. The reconciled were only given a small stipend, and no further assistance to reintegrate into civilian life. They were not given any skills or capacity building assistance or access to financial capital, for instance, to help start their own economic activities. In political terms, the process did not offer any rewards in terms of political positions. There were also some concerns about security guarantees. Importantly, to succeed the process would need good charismatic and professional leaders at the local level. Instead, the Commission’s work had been mainly managed from Kabul. Hazrat Mojaddiddi was relying upon his social and religious standing to preach good sense to Taliban and encourage them to give up violence. There was no proactive policy to reach out and engage insurgents. The task was not impossible. Analysts cited the example of a local charismatic Commission leader, Haji Aga Lalai, who headed the PTS office in Kandahar. He was later killed, probably by Taliban insurgents. Aga Lalai was a well known ex-jihadi personality, well respected among insurgents. He was able to orchestrate many defections.

### C. The Independent Directorate of Local Governance (IDLG)

The IDLG’s social outreach programme is part of the Afghan government’s policy of reaching out to remote and impoverished communities and giving it a formal institutional shape. As such, it is part of a broader concept of reconciliation and political inclusion. The role of the IDLG, including the programme, is still taking form. The discussion below reflects the situation in the second half of 2008, at a time when key concepts were tried out (Social Outreach Councils) or being discussed (village militias).



IDLG views the political outreach and reconciliation process as a two tier process. The first tier activity is to be conducted at the local level, mainly managed by the governor and targeting mid-level commanders and their men. The second tier activity is to be conducted at the central level, by the political leadership in Kabul. This central level effort will target the top level leadership of insurgents and other opponent groups. This requires political consensus at the highest level of government and national parliament.<sup>10</sup>

IDLGs own role is distinct from that of the PTS programme. Analysts see the social outreach as being less about reaching specific commanders and more about helping entire communities considered to be 'at risk' or living on the 'edge' of the insurgency. It is about improving relations between government and local communities, especially communities that are affected by the insurgency, and enticing the latter to side with the government rather than the Taliban. Fundamentally, it is about increasing the influence of the government. This may also require co-optation of traditional leadership into formal, government structures.

IDLG's institutional response has consisted of establishing offices in each provincial centre, to be followed by the creation of district social outreach councils. By early 2009, seven council had been established in Wardak province (Wardak has 8 districts). The government next plans to establish social outreach councils in Helmand, one per district. According to the original plans developed in mid- 2008, the social outreach councils (SOC) will work with the governor on development, security and governance improvement. Certain community members will be selected to participate in the councils. The district-level councils will report to the provincial IDLG office and the governor, and both will in turn report to IDLG's central office in Kabul. Basically, the designers of the scheme say, the aim is to empower communities. Proponents also hope it will lead to better coordination among security and development agencies and result in improved security and better governance.

Some analysts believe that reaching out to militant opponents is not the job of the SOCs, although the councils may acquire this function depending in part on the future of the PTS. If the SOCs acquire a security function, this may produce ambiguity, lack of strategic clarity in objectives and place contradictory demands on these local bodies. In a parallel move, the idea of village militias has been revived as a possible complement to the SOCs. Much earlier, the UK and the US considered establishing locally armed groups that, it was hoped, would be loyal to the governor and help improve local security conditions. The idea was later dropped because of opposition from donors, government and the UNF opposition. The IDLG position in mid-2008 was that the purpose of the social outreach programme was not to arm communities. Rather, the agency described its strategy is based on the concept of 'community policing', where the goal is 'self defence' and not military action or engagement with insurgents. The social outreach councils' main brief will be community- based conflict resolution and monitoring of development projects. The programme will also give legal status to the maliks (traditional community leaders) to serve as community representatives to liaise with government authorities. By the end of the year, however, US military authorities in Afghanistan announced that plans for establishing village militias were moving

---

<sup>10</sup> Commenting on national level reconciliation/negotiation policies, IDLG head Jelani Popal said that in the past, policy has been fragmented due to internal divisions within the government and in the international community. There has been little agreement on policy and a lack of coordination among different actors. Current efforts are ad hoc and uncoordinated. Countries, with troops involved in counter-insurgency efforts in the south and east use 'social outreach' and 'reconciliation' initiatives as troop protection measures. This has little bearing on the overall political situation. To overcome these problems, Popal advocates a new institutional arrangement. He believes that at the present time, the Afghan government (in the lead) and international forces/key countries with troops should only engage in tactical level deals in order to protect their forces and facilitate defection of mid-level commanders, thereby weakening the militants from within. If necessary, military action should complement these political engagements to further weaken them and once weakened enough, then hold the possibility of negotiations to insurgents. At present there is no substantive, national-level political dialogue.

ahead.<sup>11</sup> The first militias would be formed in Wardak, but their relationship to the SOC in the province and to the IDLG on the central level, was unclear.

IDLG plans give the governor a central role in social and political outreach. The governor is expected to coordinate his level of activities with PTS, NDS, MOD, MOI, PRT/ISAF. The stabilisation of provinces is important part of governors' responsibilities, it is argued, and therefore appropriate resources should be given to governors to reach out to opponents and convince them to give up armed struggle. The governor will therefore play a key role in coordinating security sector activities as well. To ensure proper vetting of governors, IDLG has elaborate formal criteria for their selection. The governors must a) be faithful to the Constitution and the present democratic order/regime, b) possess strong leadership/management skills and able to do fund raising for development activities, c) have strong public relations skills to narrow gap between people and government, d) possess clean record, no criminal record, should not be involved with mafia/drugs/corruption, e) possess good knowledge of local conditions and be relevant to local conditions. As a matter of political practice, however, some governors have been appointed primarily on the basis of political criteria. The social outreach scheme designed by IDLG also assumes that the governors are loyal to Kabul, although this is not always clear.

Some have criticised the social outreach program as an extension of the illusion of power of the central government. Numerous questions have been raised regarding the SOC. For a start, should the council members be paid? The IDLG favours paying salaries but donors and the UN discourage this, arguing that salary payment will attract the wrong kind of people, not genuine community leaders interested in peace. The selection process creates a serious possibility that the SOC, as a formal structure associated with the local administration, will undermine existing, genuine local community-led structures and mechanisms. The result will be parallel institutions; those owned by the communities and those created by the government. How will these parallel structures coexist? Will government-controlled institutions that have little value to the local communities prevail? Will conflict arise between these parallel institutions? Sceptics fear that in the long run, these government led efforts could be counterproductive. The councils might be perceived as 'unwanted implants' by the communities, will lack legitimacy and credibility and further alienate the people from the government.

The initial reports from the IDLG efforts to establish social outreach councils in Wardak province suggest the experiment has been somewhat less than successful. The process used for selecting members of the council is said to be seriously flawed. The members of the councils are selected by the local administration with help from the local community.<sup>12</sup> Most of the members of the Wardak councils, it turned out, were from the minority Hazara group who were living in Kabul. Proper representation of all communities living in Wardak had not been ensured. The SOC was a Kabul-led effort. It was more about relations between Kabul/central government and local administration and the governor, and not so much between local government and local people who need to be won over to the government side. UN officials said it was the first pilot project and as such part of the learning phase. It was expected that the councils will improve as more become operational..

---

<sup>11</sup> Dexter Filkins, "Afghans and U.S. Plan to Recruit Local Militias," *The New York Times*, December 24, 2008.

<sup>12</sup> The Wuluswal (district governor), provincial governor, IDLG's provincial and central offices working with communities will select members. This process might see involvement from other actors, such as UNAMA and local government entities, such MOI and MOD representatives.

#### D. The Afghan Independent Human Rights Commission - AIHRC

The Afghanistan Action Plan on Peace, Justice and Reconciliation drafted by the Afghan Independent Human Rights Commission and launched by the government does not directly call for political dialogue or deal with political outreach, yet may have a strong bearing on strengthening peace in the long run. The 2005 plan has a time-bound action programme that is set to end in June 2008. The programme calls for the acknowledgment of the suffering of Afghan people, the reform of state institutions and purging of human rights violators (both those that hold and those that seek political offices), truth seeking and documentation; promotion of national unity and reconciliation; and the establishment of mechanisms for accountability. Although the plan does not directly call for political dialogue or outreach to insurgents and other opponents, its proper implementation might remove grievances held by the insurgents and contribute to some measure of relief for the victims.

The AIHRC has joined the national debate on the government's policy of reconciliation with armed opponents through the PTS-commission, making it clear that political reconciliation should not undermine the quest for justice. Therefore there can be no deals with criminals and no amnesty deal. The Taliban and Hezb-e-Islami respond that as amnesty and political power has been given to its northern alliance foes, they are also entitled to amnesty. The AIHRC considers PTS a failure because it promotes political reconciliation without regard for human rights.

The international community and the UN have been criticised for their lack of active support for the AIHRC Action Plan. Formally launched in December 2005, the Action Plan is notably absent from many of the Afghan government document, and is only briefly mentioned in the ANDS. The AIHRC has later called it a 'dead duck', because of virtually no progress since the launch. AIHRC commissioners say the international community is reluctant to hold the government to account despite the fact that the Action Plan is part of the Afghanistan London Compact commitments and benchmarks. On the positive side, a number of UN Security Council Resolutions have called for its implementation, but, AIHRC says, the issue has moved progressively down the Security Council's priority list. The weakness of the Karzai government relative to 'warlords' and criminals prevents the implementation of the Action Plan. This issue blocks the implementation of the broader Action Plan as a whole. The massive public rallies organised by warlords and jihadi leaders in 2007 was designed to pressure Karzai to sign the amnesty law they themselves drafted in parliament to protect themselves from the Action Plan. The original bill ensured blanket amnesty from any prosecution. The one president Karzai approved allows individuals to bring criminal cases in courts, but the burden of proof is still on the plaintiff and there is no mechanism for protection.

Absence of national legislation on war crimes and crimes against humanity, moreover, makes it likely that the courts will treat the case as ordinary crimes and not as special crimes with special status and criminal penalties. Earlier drafts of the Action 5 of the Action Plan called for the establishment of a special prosecutor's office and a special tribunal to handle war crimes and crimes against humanity cases. This was later watered down under pressure, and instead a 5-member commission was recommended to propose a criminal justice strategy.

Victim groups are also divided making it difficult to organise behind a common response. The victims of different phases do not identify with each other, and do not agree on a common definition of victimhood, or who is or is not a victim. Each side tends to consider itself a victim, while denying this status to others..

With little progress on Action 5 of the Plan, the Commission focused on Action 2 which deals with the vetting process of government officials and senior functionaries (deputy minister, chief of police etc). This action is designed to prevent officials with criminal record or those accused of war crimes or crimes against humanity to assume public office. To implement Action 2 an advisory panel for

senior appointments was established at the end of April 2007. As an advisory panel without powers of implementation it is easy to ignore. The 5-member panel is responsible for reviewing the appointment of officials below ministers -- deputy minister level and below, governors, district governors, head of police etc. The panel gives advice both on the human rights record as well as on professional qualifications. It took a long time for the panel to become operational but it now finally has an office, although it appears infrequently utilised. Some of the appointments, such as those of the governors, are made by IDLG without consulting the panel.

Action 2 is directly relevant to the question of reconciliation and political inclusion. The insurgency in part is fuelled by lack of trust in government officials and institutions. Most of them have shady pasts and are involved in corruption and misrule. The situation has created grievances and generated support for the insurgents.

As there is no political will at the top regarding the implementation of the Action Plan, the new commission strategy is to mobilise civil society and media. This is also challenging as Afghan civil society have become increasingly 'NGOised' and funding oriented.

## E. Opportunities and constraints

A key lessons learned from consultation with different interlocutors is the need to study networks and effects/perceptions of those who reconcile. What are good and bad practices of approaching, and integrating, including security and reintegration support?

The Karzai government is widely recognized as weak and divided. It lacks the political strength and internal cohesion to either aggressively combat the insurgency or pursue options for peace and stability. It faces internal as well as external challenge to its authority and programme. It has opponents working both inside as well as outside his administration. In brief, these are:

1) *Opponents internal* to the government can be divided into two groups:

- political – represents Karzai's alliance with former jihadi leaders who occupy key position but work in opposition to him
- military – all 3 security organs of government have strong anti-Karzai elements (some reports say over 2/3 of the leadership in the 3 security organs belong to Panjsiris and their allies).

The internal opponents of government are one reason why the insurgency is continuing; they also object to negotiations and power sharing with the militants and thus prevent Karzai from fashioning a coherent strategy of negotiation. The internal opponents appear to play a double game; from the inside they oppose reform and peace/reconciliation efforts, and from the outside they criticise and undermine the government position for lack of reform and inability to deal with insurgency and bring about peace. (note, for instance, that the first vice president is also leader of UNF, the main political opposition to president Karzai)

2) *Opponents external* to the government: further divided into

- Al Qaeda,
- Taliban, - which is further divided into i.) those allied with Al Qaeda and ISI (real power holders and more extreme, operating from outside the country), ii.) mid-level field commanders, operating inside the country (if given sufficient and properly looked after likely to come to government side), iii.) opportunists, smugglers, criminal, grievance holders, moving in and out of Taliban/insurgency (some armed, some not).
- Hezb-e-Islami,

The internal opponents of government wield very significant power. They are working from inside to oppose Karzai and his reformists supporters, and because of their hold over the government, they radicalise external opponents of government. Taliban and Hezb-e-Islami consider the internal opponents – which formed the core of the old Northern Alliance – as their real enemy that must be destroyed. The militants hold Karzai's internal opponents responsible for the demise of their regime, thanks to their alliance with US. They see their current struggle as part of an unfinished civil war agenda. Karzai is irrelevant in this equation. He is seen as a US puppet, not a real threat to any one group. The real fight is between these two camps.

The international community is divided over a strategic policy options and focus heavily on tactical, short term deals to protect their troops. They are less concerned with questions of Afghan reconciliation at the national level and have so far opposed power-sharing with unrepresented groups. In retrospect it is widely recognized that the international community made mistakes in excluding the Taliban from the Bonn process. This drove the defeated Taliban deeper into the arms of the ISI/Pakistan military and Al Qaeda, who were happy to support to Taliban to finish the 'unfinished' agenda of the Afghan civil war.

The international community has a large measure of responsibility for the present intractable situation in Afghanistan. Their 'warlord' allies inside government and in parliament have usurped political power, have held the Karzai government hostage, are standing in the way of significant reform and refuse to accommodate insurgents in the political process. All these factors produce further radicalisation and intransigence of insurgents and – quite apart from the presence of foreign military forces – strengthen their determination to continue the armed struggle.

In this perspective, it follows that a national reconciliation strategy, no matter how comprehensive, will not work unless the security organs of government are restructured and reformed in order to break the current dominance of one group/community (i.e. the Panjshiris). Opponents will not trust in these organs unless this problem is addressed. Hence, security sector reform must be central in the development of a national reconciliation strategy. More generally, a process of national reconciliation must give space to all opponents – armed or otherwise. The events of late 2001 created severe imbalance of power, handing too much power to some groups and marginalising others. Inclusive participation in government and implementation of key reforms is a key to ending the insurgency and reconciling opponents.

*Paper completed in August 2008 and updated in January 2009 by Astri Suhrke.*

## Background Paper II: Parliamentary initiatives for reconciliation and political inclusion

*By Aziz Hakimi*

The Parliament as a body has debated the conduct of the war as well as desirable and possible political solutions. Individual members and the largest opposition group – the United Front – have also made specific initiatives in this regards. A summary of the principal initiatives follows below.

### A. The Parliament

Overall, the Parliament has played a very limited role in formulation of policy towards the insurgency, including promotion of a political solutions and national reconciliation. More powerful actors, including international ones, have occupied much of the decision-making space (see Background Paper I, sec. A). Parliamentarians complain that they have been marginalized by the rest of the government and the international community on issues of war and peace. While constitutionally and politically in a weak position, the Parliament itself is deeply divided, however. Divisions run deep on most issues, including strategy towards the militants and relations with the rest of the government. The presence of ex-jihadi leaders who fought the Taliban and Hezb-e-Islami in the 1990s is considered a major obstacle to any parliamentary action towards political outreach and reconciliations with insurgents, even though officially many of them claim to support a political solution.

Frustrated with the course of the war and its costs, individual parliamentarians have frequently condemned the loss of life and property and placed the blame variously on the international forces, Pakistan/ISI, the insurgents, and incompetent and corrupt government officials. As a body, the Parliament has been able to collectively take a position relating to war and peace only twice. In May 2007, the (appointed and indirectly elected) Upper House (Mesherano Jirga) passed a resolution condemning the international forces for a bombing attack in Helmand that killed 21 civilians, called for negotiations with the Taliban, and a timetable for the withdrawal of foreign troops. Earlier in the year, both houses of Parliament had passed a blanket amnesty bill, primarily designed to protect their members from prosecution under the AIHRC's Action Plan (see Paper I, sec. D), but which also extended to the Taliban.

### B. Parliamentarians supporting negotiation

The views and initiatives of two parliamentarians who support negotiations and reconciliation are discussed below. They may be representative of what we can call reformist-moderate parliamentarians.

*Sayed Hussain Alami Balkhi*, a Hazara/Shia MP from Kabul (but originally from the northern Balkh province and a vice-presidential candidate in the 2004 elections with Tajik contender Yunus Qanuni) considers himself amongst those MPs who support negotiations with insurgents. He participated in the official Afghanistan-Pakistan Peace Jirga initiated by the Afghan and Pakistani governments, the first of which was held in Kabul 9-12 August 2007.

Balkhi believes the conflict cannot be solved by military means alone. Political engagement must now be given a greater prominence. He believes the president has some vested authority and in

consultation with parliament can propose a mechanism for political engagement with the insurgents. He noted that on a number of occasions the parliamentarians had discussed the deteriorating security situation in Kabul and other cities and concluded there must be engagement and negotiations with the insurgents for the sake of peace. The parliament has not systematically and consistently engaged on the issue, however, nor given specific directions or authority to the president. Balkhi believes all the three organs of the state - the executive, judiciary and the parliament - should properly debate the issue and develop a common strategy for political engagement with the insurgents.

MP Balkhi maintains that the perception that jihadi leaders are against negotiations with the Taliban and other opponents is wrong. He says president Karzai is an ex-jihadi, and so are many others, such as Prof. Rabbani, and many other ministers. But they are part of the government and are calling for negotiations. There are not so great differences of view on the issue of political engagement with the insurgents; the majority of Afghans, both inside and outside the government, favor negotiations as a means of bringing an end to the conflict, he says. Rather, the problem is that the international community has undermined the independent character of the Afghan state and government by pursuing its own policy agenda. This has prevented the Afghan government and political institutions, including the parliament, from acting independently. How can an Afghan government that is so dependent on the international community be expected to develop and implement its own programme of action? The international community needs to be asked why it does not allow the Afghan government to function more independently. The West, he says, has its own agenda. It is not in favour of talks and would like to see the conflict drag on so that its forces can stay in Afghanistan on the pretext of doing battle with Al Qaeda and the Taliban.

Balkhi is consistently critical of the international community. He questions their statements saying they are in Afghanistan to support the government's reconciliation programme, while at the same time standing in the way of progress and continuously interfering in the process, thereby undermining the elected government of Hamid Karzai. No wonder, he says, that the Taliban call this government a puppet government with no will of its own. To illustrate the point, he mentions the appointment process of senior officials, claiming the international community; UNAMA, for example, has picked its own favorites while rejecting nominations of senior officials, including chiefs of police and governors, whom Karzai had recommended after consulting with different political forces in the country. He notes the case of foreign minister Rangin Dadfar Spanta, who received a vote of no-confidence from the parliament, but stayed on due to the support of foreign patrons. In particular, the German foreign minister had visited Kabul after the no-confidence vote, making it clear to the parliament and the government that the European Union might reconsider its engagement with Afghanistan if Spanta were removed from his post.

MP Balkhi believes that if the current strategy of the international community does not change, the war will be lost to the Taliban and their ISI and Al Qaeda alliance. The whole region and beyond will suffer as a consequence. If the fighting stops and insurgents engage in a political process, the road to peace will be much shorter and international forces can also leave once there is stability in Afghanistan. The presence of foreign forces, he says, is radicalising the insurgents, who claim they are fighting because their country is invaded. The international forces, in turn, say they are fighting because Taliban and Al Qaeda are a threat to their national and global interests. A peace settlement leading to the end of the conflict and the withdrawal of international forces will help address both of these concerns. A peace settlement will also require a more nuanced diplomatic approach toward solving the regional dimension of the Afghan conflict. Without addressing Pakistan's long standing concerns, it is difficult to see the war ending.

*Ms. Sharifa Zurmati Wardak* is a former journalist and MP elected from the eastern region (Paktia). Active on many issues, including women's rights, she has initiated what she calls a reformist

Pashtun jirga to engage the Taliban. Modern, reform-oriented Pashtuns like Ms Zurmati have no links with warlords or jihadi/factional leaders. The jirga initiative also is not linked to the government. The position of the Pashtun jirga is that reconciliation is the only solution to the insurgency in the south and east. It is critical of Pakistan and the US for what is considered contradictory policies. The jirga has consulted with leaders of other ethnic communities to strengthen its position and widen the process. However, its dialogue with Hazaras, Uzbeks, Tajiks and other communities has not been successful.

The formation of the national peace jirga was announced in 2007, but did not start functioning until 2008. The jirga claims to have an initial membership of 1500-2000 that later expanded to 5000. It has been institutionalized with offices in Kunar, Paktia, Khost, Paktika, Herat, Farah, Logar, Wardak, Ghazni, Nangarhar, Jawzjan, and Baghlan. It has not received any Afghan government or international funding, according to MP Zurmati. It relies on modest funding from members and private donations to support its as yet limited set of activities.

The jirga's role, according to Ms. Zurmati, is to facilitate negotiations between the government and the Taliban and Hezb-e-Islami. The jirga was originally formed to address the shortcomings of the government initiated Afghanistan-Pakistan Peace Jirga that had its first meeting in August 2007. That jirga, says Ms Zurmati, was not sufficiently inclusive. It was organized by the two governments and lacked genuine community participation. The main Afghan adversaries in the conflict, the Taliban and Hezb-e-Islami, were not invited.

The alternative jirga uses tribal and religious leaders to make contact with insurgents. It wants to set up youth centres to reach out and communicate its message to the local, young Taliban, hoping to offset the calls of the external/foreign Taliban to jihad against the Afghan government and their international allies.

MP Zurmati points out that the government has 'not been very responsive' to her initiative. The jirga has not had contact with IDLG or other government institutions involved in initiatives to reach out to the opponents. At the same time, Zurmati believes that the jirga needs to distance itself from government if it is to be credible. Jirga members want to be perceived as independent from the government. MP Zurmati says the jirga is supported by prominent ex-Taliban leaders such as Mullah Zaif, Wakil Ahmad Mutawakil, Abdul Hakim Mujahid and Mullah Arsalah Rahmani. All of them attended the inaugural session of the jirga held in Kabul. On the other hand, persons like Prof. Abdul Rab Rasoul Sayaf and other jihadi leaders are not supportive of the jirga. Possibly, they perceived it as politically reformist, or they fear that their power will be eroded if their former enemies, the Taliban and Hezb-e-Islami, are 'reconciled' and included into the political process,

### C. United National Front (UNF)

The United National Front, formed in March 2007, is a coalition of former jihadi and factional parties plus a few non-jihadi individuals and groups such as Mustafa Zaher, the grandson of former king Zaher Shah. Most members are non-Pashtun minorities (Tajik, Uzbek, Hazara). The Front is presently the only organized - although not very united - political opposition to Karzai and his group. The UNF is an unusual political opposition. It is composed of parties that are nominally and publicly critical of the Karzai administration, yet some of its most senior leaders are serving in high positions in his administration, notably Zia Masoud (as first vice president), former Herati strongman Ismail Khan (as minister of water and energy), Maqbul Zarar (until recently minister of interior), as well as a few key governors.

Discussing the overall outlines of reconciliation strategies, UNF spokesman Sancharaki calls for stronger leadership and coordination from the executive branch. In substantive terms, a much



needed national reconciliation strategy should identify the causes of the neighbors' concern and incorporate these in the national dialogue. Afghanistan must take the initiative to deal with the regional dimension of the conflict. Unless the reconciliation plan addresses the regional dimension of the conflict, peace will remain elusive. The government should be ready to accommodate some of Pakistan's concerns in return for guarantees of non-interference and economic concessions such as access to sea ports.

It is not clear if the UNF has a common policy regarding political engagement and reconciliation with the insurgents, or if so, what it is. The groups that now form the Front initially opposed negotiations with Taliban and Hezb-e-Islami, above all the inclusion of the Taliban and Hekmatyar in the December 2001 Bonn talks. At that point, they were celebrating the apparent defeat of their opponents after half a decade of bitter war. More recently, members have publicly taken a different position.

In a major speech in Peshawar in September 2007, Prof. Rabbani, the head of the Jamia't party and the leader of the Front, pointedly called for negotiations with the Taliban and reconciliation with Hekmatyar. He warned the US against sending more troops into Afghanistan, adding that it would only aggravate the situation and result in failure. The US and other foreign forces had not come to Afghanistan to help serve the people, he said, but to pursue their own 'vested interests.' Afghanistan and Pakistan should negotiate peace and security without going through foreign channels. The government of Karzai, Rabbani claimed, was not able to talk to the insurgents because it was not united. Subsequently, this became the official position that the UNF, according to its spokesman.

Some of these points are echoed in later statements by Front members and spokesmen. In particular, they maintain that the current military strategy is not a solution to the ongoing conflict; only a political process can end the war. Their underlying motives are questioned by Afghan critics, however. They see the call for political engagement with the insurgents as a Front tactic designed to embarrass Karzai and his government. The Front can portray Karzai as too weak and dependent on international dictates to develop an independent strategy for peace. Moreover, other Front members have called for international forces to stay. Some analysts interpret this as a willingness to support the Western 'war on terror' and, in particular, the war in Afghanistan on their own former enemies.

The public UNF stand in mid-2008, according to spokesman Fazel Sancharaki, is that a political solution requires a common strategy and a clear agenda that articulates the government's vision. A negotiation team must be identified that has support from all the political forces and the international community. The pre-conditions for talks must be agreed upon, which include a ceasefire and renunciation of violence. Negotiations must be guided by the principles of respect for the Afghan constitution and the country's territorial integrity, i.e. no separation of the insurgent-dominated southeast or other Pashtun areas from the rest of Afghanistan. The government should be open to talk to any insurgents whether or not they are on a US or a UN blacklist, including Mullah Omar.

Sancharaki maintains that several Taliban members of various groups, including senior leaders from the hard line Haqqani faction, have made contacts with the UNF. The contacts have taken place over many months and have various purposes. The hardliners with ties to Al Qaeda and ISI want UNF to join their perpetual jihad against the foreign forces and the "puppet" government of Karzai, something that UNF has declined. The UNF's response has reportedly been that if the Taliban want foreign forces to leave, they should renounce violence, negotiate for peace and join the political process. Foreign forces will then have no reason to stay any longer in Afghanistan'.

A much larger group of Taliban, according to Sancharakis, consists of field commanders and their men based inside Afghanistan who want to reconcile and put an end to the conflict. These Taliban

view the government strategy of encouraging ad hoc, small-scale individual surrender and defections among mid-level commanders and their men with skepticism and contempt. They find the current reconciliation programme under PTS (see Background Paper I, sec. B) does not offer them any real option except surrender, which they will not accept. Rather, they want strategic negotiations for power at the national level. This the government does not offer. Nor do these Taliban trust the Karzai government as a credible partner in negotiations. A government that appears weak, ridden by internal divisions and contradictions, and lacking in will, credibility or legitimacy of its own, also appears as a risky partner with whom to negotiate a peace. The lack of options is forcing the Taliban to continue fighting even though many of them would like to see an end to the war. By contrast, Sancharaki, claims that Taliban see the UNF as a legitimate and credible force within Afghan society and are interested in working with the Front to pursue options for durable peace. As an opposition party, however, UNF can only facilitate the process and impress upon the government its responsibility in this regard.

The UNF version of events is clearly self-serving, and has political tactical value, particular in the run-up to the 2009 elections. Yet some elements ring true. Independent scholars who closely have followed the movement maintain that many Taliban who were defeated at the hands of US and Northern Alliance in 2001 wanted to join the new political process and waited for a year or so for an invitation to do so. Lack of a credible reconciliation process in the early period, growing nepotism, corruption and predation by government officials and their followers, and the deepening presence of foreign military forces brought them back to the armed struggle.<sup>13</sup> By mid 2008, there was still no public reconciliation strategy other than surrender, and the manifest weaknesses of the Karzai government vis-à-vis both the international actors and internal contenders made it an uncertain negotiating partner. The last point was also underlined by a prominent ex-Taliban interviewed for this report. Pointing to the current divisions in the government, Mullah Mohammad Ishaq Nizami emphasized that negotiation cannot succeed if Karzai's team is divided and send conflicting messages to opponents. The government must speak with one voice, formulate a comprehensive strategy, and stay committed to it.

Mullah Nizami also explicitly rejects the UNF claims of contacts with the ex-Taliban. He claims that the Taliban had not approached the UNF for either negotiations or support to the jihad. Rather, Nizami said, the Taliban consider the UNF as their real enemy, hold it responsible for their demise in 2001, and will not negotiate with them. Consequently, it was highly improbable that any serious negotiations had taken place. From his perspective, it was more likely that the UNF opposed talks with Taliban and Hezb-e-Islami, particularly at the national level, since including them in any power-sharing scheme would eat into their own power.

A parliamentarian close to, but not part of, the Front thought that the UNF was pragmatic: the Front would negotiate if it served its interests, but not if its position were threatened. He recalled the many negotiations attempts of the Rabbani government and the Shura-i-Nizar of Ahmad Shah Masoud with Taliban. There were initial also negotiations with Taliban before they captured Kabul. The Rabbani government reportedly provided material and logistical support to Taliban near Kabul in order to weaken Hezb-e-Islami and the Hazara Hizb-e-Wahdat. Later on, after losing Kabul to the Taliban, Rabbani and Masoud both continued talks with the Taliban in the hope of securing a better deal from them and strengthening its position versus other factional rivals. Arguably, the parliamentarian concluded, the same logic would apply today.

*Mustafa Zaher*, the grandson of former king Zahir Shah, while not a member of the parliament is a prominent member of the UNF and has intermittently talked about a peace plan of his own. The

---

<sup>13</sup> Antonio Giustozzi, *Koran, Kalashnikov and Laptop*, London: C. Hurst, 2007; Ahmed Rashid, *Descent into Chaos*, London: Allen Lane, 2008.

details of the peace plan are still sketchy. Zaher, an ethnic Pashtun might be UNF's compromise candidate. Zaher has lost support after joining the UNF but still has a following in Paktia, Paktika and Khost and amongst his own Mohammadzai section of the Durrani. Zaher might also have formed a possible alliance with Pir Gailani's family. The Gailanis have traditionally been close to the royal family through marriage alliances. The Gailani family has some support in Ghazni, Paktia and Paktika.

#### D. Opportunities and Constraints

Power-balancing and power-sharing are key factors in the quest for reconciliation and peace. It is qualitatively different from a concept of reconciliation that simply asks the opponents to give up fighting and surrender, while their former enemies now inside government continue to expand their power and economic base. There were signs towards the end of 2008 that the Karzai government was moving towards a strategy of negotiations rather than simply calling for Taliban commanders to reconcile by surrendering, as the talks (officially non-talks) in Saudi Arabia between government representatives, the Taliban and Hezb-e-Islami during Eid al-Fitr last year indicated. President Karzai later reiterated that he was willing to talk to Mullah Omar, and even guaranteed his physical protection if he came to Kabul. – a claim considered by many to be unrealistic.

If Karzai considers a national power-sharing formula, it is a risky move. Although the initial contacts in Saudi Arabia in October 2008 occurred with the support and/or consent of the UK and the US, their approval of further negotiations depends upon what direction they take. The incoming US administration has signalled that future talks, while desirable in principle, must have a regional focus and should be conducted from a position of military strength. The US and NATO consequently plan to send an additional 20-30 000 US and other NATO troops to Afghanistan in 2009.

Also domestically, a reconciliation that is based on negotiations and power sharing with the opponents is risky for Karzai. Hizb-e-Islami has already numerous associates (ex-members or supporters) in Parliament (some estimate 34 members). When Hekmatyar in October last year offered to negotiate with Karzai, they fell in line and claimed there would be no peace unless Hekmatyar were included in the government.<sup>14</sup> On the other hand, by including Hekmatyar, Karzai risks losing the support of his traditional allies, the ex-jihadi and factional leaders, in particular non-Pashtun, who have been instrumental to his power over the past seven years. There is also the possibility of further ethnic division and intensification of conflict, this time between Pashtun south and non-Pashtun north.

The pressures of elections could well shape negotiating strategies. Karzai has declared he will run in the 2009 presidential elections, whether they are held by direct popular vote or, if security conditions do not permit, an indirect vote through a special jirga. Direct elections confer greater international legitimacy and are preferred by the international community. In this case, Karzai has strong incentives to make a deal with militants in the south and the east so as to permit voter registration and voting itself. In return, the militants may be offered political inclusion at the local level. A local power-sharing of this kind may be attractive to insurgents who have strong local roots and – as is often the case in the south – where the conflict is more about tribal rivalries and control of local power than larger issues of Islam and nationalism.<sup>15</sup> Local-level power sharing is

<sup>14</sup> Abdul Jabar, an Afghan parliament member and former member of Hekmatyar's group, Hezb-e-Islami told the Western media that "Hezb-e-Islami has a lot of supporters in every province of Afghanistan. If the Afghan government is serious about negotiations, they have to include Hekmatyar." Candace Rondeaux, "Afghan Rebel Positioned for Key Role," *Washington Post*, 5 November 2008.

<sup>15</sup> In Kandahar, for instance, the Noorzai tribe in Punjwai district has been under pressure by the traditional power holders, the Barakzai and the Popalzai, who allied themselves with the international forces and the national government

unlikely to meet demands of militants with broader national vision and ambition. That includes many Taliban and Hezb-e-Islami, according to analysts with knowledge of both.

As the discussion with parliamentarians show, contextual factors relating to Pakistan loom large in the formulation of any negotiating strategy. A deepening conflict is likely to make the Afghan militants increasingly dependent on ISI and Al Qaeda (and the external support network of the latter). If so, the currently military strategy of NATO and the Afghan government is reinforcing these links and dependencies. By the same token, a political engagement aimed at inclusion and reconciliation should have the opposite effect. This recognition seemed to be the premise of Prof Rabbani's speech in Peshawar in late 2007, although it made breaking the cycle of conflict no easier. As for Pakistan, the authorities there are unlikely to give up on Taliban as a political and strategic asset in the absence of a broader reduction of tensions in the relationship with India. As discussed in the summary report, progress on negotiations requires that the Afghan government and its international allies find some ways of addressing these Pakistani concerns.

*Manuscript completed August 2008 and updated by Astri Suhrke, January 2009.*

---

(Karzai is a Popalzai, the former governor was a Barakzai). The Noorzai became associated with – or were said to be associated with – the Taliban. The NATO attacks on Panjwai and Arghandab in 2007 and 2008 hardened the divisions by consolidating the dominance of the Popalzai and weakening the Noorzai, while the Barakzai were losing their grip.

## Background Paper III: International initiatives for reconciliation and political inclusion

*By Aziz Hakimi*

### Inventory of initiatives

By the second half of 2008, several international actors and institutions were, or had been, actively involved in efforts to reach out to insurgents and find a political solution to the current conflict. This report briefly describes the efforts of three key actors, the United Nations, the European Union and the UK government. Key lessons have been identified to guide future action.

#### A. UN

In December 2007, UNAMA identified political outreach as one of its priorities in Afghanistan. UNAMA embraces the concept of dialogue, supports an inclusive and broad based political process, and to this end can use its good offices under UN Security Council Resolution 1806 to listen, engage, and promote reconciliation. UNAMA's official position is that the insurgency will not be overcome by the military efforts alone, hence it supports the Afghan government's political outreach and reconciliation programmes, including through the IDLG. At present, however, the Afghan government's political outreach and reconciliation efforts are focused on lower and mid-level insurgents, seeking to facilitate their return to peaceful life. This process does not hold out the prospect of peace talks or comprehensive dialogue which may result in direct political rewards for those who chose to take part in it. It is focused on dealing with the immediate challenges of insurgency, and as such is at best a tactical manoeuvre to weaken the insurgents. In short, instead of a strategic focus there are short-term tactical moves.

Because an overarching strategic policy is missing, there is agreement among different actors on the need to further clarify what the Afghan government-led efforts ought to be, the level at which engagement is required (tactical or strategic, certain groups or broad based), the timing and conditions, and what is permissible and what is not. Commenting on the way forward, SRSG Eide told the UNSC on 10 July 2008 that the solution to the conflict in Afghanistan requires a political solution. There is a need for 'a broad based Afghan political dialogue.... This dialogue will have to be defined by the Afghans themselves, be conducted in respect for the Constitution as well as for the relevant Security Council resolutions'. Eide also emphasised the 'need to strengthen regional cooperation and dialogue...' to address the regional dimension of the Afghan conflict. The SRSG believes that reconciliation, when it comes, must be 'a political process, not a security process or intelligence process... and must be process that is conducted on the basis of strength' and not as a replacement of military operations.

UN officials noted that the government of Afghanistan at present does not have a strategy in place to promote a broad-based Afghan political dialogue and reconciliation, even though everyone agrees in principle that the process must be Afghan-led. The government's current efforts are mostly focused on the tactical level. This poses a dilemma for the international community, which questions the capacity of the Afghan government to propose and implement a workable strategy, yet is in principle required to wait for the government to act before the internationals can provide support.

Diplomats in Kabul reported in August 2008 that the Afghan government was working on a comprehensive reconciliation and political outreach strategy. Since numerous actors currently are involved in the reconciliation business – president's office, PTS, governors, international forces – it is hoped that a government-led effort informed by a cohesive strategy can resolve the problem of coordination.

Even a coherent Afghan government strategy has its limitations, however, as long as the Taliban refuse to talk or set unrealistic preconditions. At present (August 2008), the Taliban position is that a) they will not talk to Karzai; he is a puppet and lacks legitimacy, b) they will only talk when the international forces leave, and c) they will only talk to the foreigners who are actually in charge of affairs in Afghanistan. The latter point, of course, is a quest for legitimacy. The Afghan government and its international allies, in turn, do not see any credible partner(s) with whom to negotiate on the Taliban side, and who can enforce the agreement reached. In the view of one high-ranking UN official, the main obstacle to negotiations is not the government's lack of a credible offer or incentive to insurgents/other opponents, or the strong presence in Karzai's government of the former jihadi and factional groups known as the United National Front (UNF), formerly known as the Northern Alliance, which the Taliban and Hizb-e-Islami consider their long time enemy. Rather, the militant opponents are not independent; they are dictated by Pakistan, which does not want them to negotiate. There is evidence, the official said, that those Taliban in Pakistan who want to talk to the Afghan government are all being turned over to the US custody as Al Qaeda terrorists. This shows that Pakistan does not want Taliban and Hizb-e-Islami to talk to the Afghan government. Pakistan is using Taliban as proxies for its own regional game, thereby sabotaging Afghanistan's chances for peace and prosperity.

## B. Internationals in the South

The European Union's Special Representative for Afghanistan (EUSR), under the leadership of its deputy, Michael Semple was reportedly involved in negotiations with various insurgent groups in the south during 2007, leading to his expulsion from the country in December 2007. It is unclear if Semple acted largely on his own initiative, as the EUSR, Francesco Vendrell later hinted.<sup>16</sup> The activities were not just restricted to the Helmand province where the UK have deployed troops but extended to other areas of the south where insurgents are active. (For a detailed case study of the deals brokered in Helmand and the Musa Qala events, see Background Paper IV).

The premise of the EU/Semple activities is the notion that all insurgents are not Taliban and moreover, that the Taliban are not a monolith; in fact there a number of networks and groups inconveniently lumped together under the single rubric of Taliban. This view seems largely shared by the key international players. The current Taliban structure is markedly different from what existed when Mullah Omar was in power. Calling some Taliban moderate and others not, is conceptually not useful, analysts say. Some Taliban groups want to continue fighting, while others desire peace. The motives differ and therefore require different approaches. Whether the Taliban will talk or not depends heavily on the context and the offer put before them rather than their ideological orientations. Many insurgents are probably open to dialogue, but details have to be worked out regarding credible security and reintegration options. This thinking seems to have determined much of the Semple activities.

In a retrospective interview, Semple expressed the view that the government of Afghanistan and the international community have not developed political outreach and reconciliation as a strategic policy option for dealing with the opponents. Much of current work focuses on the immediate and on the tactical, which could mean lost opportunities.

---

<sup>16</sup> Mr. Vendrell reportedly commented that "Michael never tells me anything about what he does".

There are several ad hoc efforts in the south in addition to the British initiatives. Virtually all the countries that have troops there are trying to talk to actual or potential opponents at the local level. A similar trend is happening across the border in the Pashtun areas of Pakistan. Pakistan's government was in fact the first to negotiate peace deals with insurgents. At the time this was strongly criticised by the Afghan government and countries with troops in Afghanistan on the grounds that such truce agreements would strengthen the hand of insurgents and permit the terrorists launch more attacks on Afghan and international troops inside Afghanistan.

The 'Semple Controversy' created some waves at the time. Because of their presence in Helmand, the British became associated with the events. Their response was to emphasise that the Afghan government had the lead in all negotiations; the British took no independent initiatives. Underlying this reaction was a growing perception among Afghans, especially non-Pashtun, to the effect that the British were collaborating with Pakistan and the Taliban, and were ready to hand over control of the south to them. This factor was behind much of the criticism of the British and the Semple initiative. In the aftermath, the British have not been active in reaching out to armed opponents in the south. Like UNAMA, the British also stress the principle that the Afghan government must be in the lead, but point out that they wish the government would put in place a proper strategy and relevant mechanisms so that all stakeholders could speak with a unified voice and coordinate their efforts.

### C. UK<sup>17</sup>

By the fall of 2008, the UK had had year-long policy debate on the fighting and the situation in Helmand. It was recognized that the military alone could not resolve the conflict and that a political engagement was needed. Since December 2007, when the Semple affair peaked and led to the expulsion of Semple and Mervyn Patterson, then employed by UNAMA, it has been British policy that reconciliation activities must be Afghan-led and not pursued independently by individual countries engaged in Afghanistan. Afghan-UK relations suffered greatly due to the Semple-Patterson incident. It made the British cautious so as to avoid creating more misunderstanding that could lead to further mistrust. British officials say their government has not had any further contacts with the insurgents.

The complicated history of British-Afghan relations since the mid-19th century makes the British particularly sensitivity to charges of intervening in Afghan affairs. Working with the US, the British admit they were instrumental in sidelining Marshal Fahim, Ismail Khan and other Jihadi leaders in the aftermath of 2001. These leaders had fought against the Taliban. Were the British now to make contact with the Taliban, it would strengthen public suspicion that the British are siding with ISI/Pakistan to bring back the Taliban and help them get a power-sharing deal from Karzai. In return, Pakistan authorities would surrender militants of particular interest to the UK.

British diplomats now say that 'we would not have been where we are now' if all the relevant actors had been included in the Bonn process'. The Bonn conference was a meeting of victors; the main party to the conflict, the Taliban was not included. The exclusion reflected short term US thinking and the belief that the Taliban were finished. Years later, the UNSRSG Lakhdar Brahimi admitted that the exclusion of the Taliban from the Bonn agreement was a strategic error. Yet, British officials point out that there is no rush to talk - 'we are in Afghanistan for the long run'.

Among the international actors with troops on the ground in Afghanistan, the British and Canadian governments appear to be ahead of many of their international partners in terms of internal government discussion on the issue of political engagement and reconciliation with the insurgents.

---

<sup>17</sup> Unless otherwise noted, this section is based on interviews with British diplomats in Kabul in July 2008.

In a 13 December 2007 statement to the parliament, Prime Minister Gordon Brown explained the British counter-insurgency strategy was based on: a) Afghanisation, b) localisation, and c) politically-led approaches to insurgency that rely more on politics and reduce use of lethal force). The statement encapsulated the thinking on the ground on the way forward: Afghans in the lead; efforts conducted at the local level where it matters; and reduce reliance on military response by replacing it with more action on the political front.

How to move forward politically is another matter. Since the US is the main actor in Afghanistan, the British stress the importance of influencing US thinking. The British accept the principle that 'all democracies must talk to terrorists'. The official American position differs, and British officials consider it one of their the biggest achievement in Afghanistan to have brought the Americans around to a more flexible approach during 2008. (The efforts apparently had some results: preliminary talks between the Afghan government and with high-level Taliban and Hekmatyar figures took place in Saudi Arabia in October 2008).

The British position rests on the belief that killing insurgents, especially commanders and senior leadership, radicalises their followers. There will be others, including more radicalised foreign insurgents, to take the place of those killed. That favours diplomacy, yet it must be backed by coercion. 'You can't have carrots without sticks' says one British official. British counter-insurgency strategy divides insurgents into three categories: a) hard core/senior Taliban, b) mid-level commanders, and c) criminals and opportunists/drug mafia. The carrot&stick policy applies as follows: Kill/take out (a); influence and bring (b) over to the government side; and use law enforcement methods to deal with (c) allied with the insurgents. The strategy is based on the assumption that you cannot influence all the different layers of the insurgency. Different motives are driving people to join, and motivations change over time. This is particularly true at lower levels of insurgent organisations. The hard core ideologically motivated ones are relatively few. They are probably difficult to access and influence. The majority of insurgents, however, are viewed by British diplomats as willing to join a peace deal that offers them something in return. A strategy of offering incentives to some and killing the hard core follows. This could explain recent reports that US Special Forces in cooperation with the British are assassinating key Taliban leaders in the south. Independent analysts have expressed concern with this approach. Jean Mackenzie of IWPR and others argue that 'the more Afghan Taliban leaders they kill, the more their place is taken up by Arab/Pakistani Taliban, who are much more radicalised and hard core'.

Mid-level commanders constitute the bulk of the insurgency and are typically field/operational leaders of 100 or so men. This is the level the British in Helmand were reaching out to with offers of a new position and life (notably Mullah Salam as governor or Musa Qala) or a safe house. The initiatives are essentially tactical manoeuvres designed to protect the troops of the countries that have committed military forces to fight the insurgency. The Afghan government's National Reconciliation Commission (PTS) mainly works with this level of insurgency as well. Local commanders, along with a few of their followers, are susceptible to being influenced and can be brought in. Commanders switch sides for several reasons: strained relations with other Taliban, disputes among themselves and conflict over opium and smuggling resources, and allegation of working with government or spying activities. Analysts stress that those who decide to change side must be properly looked after, with guarantees of security, money and prospects for employment, etc. However, as discussed above (Background Paper I), the current government PTS structure has no proper reintegration package for senior commanders with many men. The compensation package it offers is not attractive. As for the lowest rung of insurgents or supporters - people with local grievances of various sorts - British officials maintain that here the internationals cannot play a useful role. These situations require conflict resolution and mediation between tribes. That is for the local administration/governor to sort out.



The senior political leadership, (Hekmatyar, Mullah Omar, the Haqqanis and other Quetta based Taliban leadership) are difficult to influence and, according to the British, there is no point in the internationals talking to them. The Afghan government may wish to negotiate, but British diplomats differentiate between ‘talking’ and ‘negotiating’, say that negotiations with this group can happen, but under the right conditions, and negotiations should at any rate be from a position of strength. For the time being, the Taliban have the upper hand. Most importantly, substantive negotiations may require a political deal that makes it possible for insurgents to take part in a power sharing arrangement. Currently there is no political debate on this on on other aspects of what the international community and the Afghan government is prepared to give or take. ‘If we cannot get the tactical stuff off the ground, why bother with strategic level stuff’, says one diplomat.

The official British position at the time is summed up an interview the ambassador, Sir Sherard Cowper Coles gave to the local media. He supported reconciliation with the Taliban militants on an individual basis, if they renounced violence and were not linked to al Qaida, but rejected negotiations with the Taliban as a group. In particular, he ruled out negotiated power-sharing with the Taliban, but said they could be given the opportunity to open offices and peacefully launch their political campaigns. Asked whether the world community, especially the big powers, had any plans or solutions for ending the conflict in Afghanistan, the ambassador hinted that talks and plans were underway with the Afghan government but would not divulge details.

#### D. The Policy Action Group (PAG) and principles for negotiation

PAG was established by General David Richards, the British Commander of ISAF-IX, who liked to compare it to Churchill’s World War II ‘war cabinet’. The group produced a *Statement of Principles* designed to address the lack of strategic direction on negotiation and reconciliation with the opponent.

PAG efforts were given momentum from an unlikely quarter. In September 2006 the Jami’at leader Prof. Rabbani made a well-publicized speech claiming that Karzai was not a unifier and could not talk to the Taliban. Karzai responded by proclaiming on Mujahidden Day (28 April, 2007), by publicly invited Mullah Omar to talks (he just needed his telephone number).. To many Afghans, it appeared that the government lacked a clear strategy and was reactive instead of proactive. A few months later in December 2007, UNAMA, the UK, the US, Russia and a few others got together to ‘clear the desks on negotiations’ as one participant put it. This meant stopping all the uncoordinated action and instead ensuring that all were working together with the government’s National Security Council (NSC) on a set of principles. The result was the *Statement of Principles*. It formed a overall framework that contained the main principles and minimum conditions for political negotiations and reconciliation with the insurgents. The conditions included renunciation of violence/cessation of hostilities on the part of the insurgents, a ban on cessation of territory to insurgents, and acceptance of the Afghan Constitution. The proposal was discussed at PAG. The NSC decided it ‘was too sensitive’ to take it up for discussion with Karzai at the time.

It is unclear what, if anything subsequently happened to the *Principles*, yet the preconditions have reappeared in policy statements from the government and international officials and diplomats. One official close to PAG emphasized that for negotiations to be successful, the president needs a trusted person to lead them and initial activities must be sheltered from the public and the media. Various hints in mid-2008 that the Afghan government was about to announced a new strategy of reconciliation and political outreach might have been a prelude to the contacts that did take place later in the year.

Technically it would be easy for the government to establish communications with the Hizb-e-Islami. Persons association with the movement but declared ‘reconciled’ with the government’ hold

senior posts in the administration of Karzai and some of them are close to the President. The Taliban are in a different situation. They do not have senior-level sympathizer in government that can establish regular and informal links on higher levels. A number of former Taliban leaders live in Kabul (Zaif, Mutawakel, Mujahid, Nizami). They have regular access to president Karzai and some are also frequent guests of Western embassies. Yet Karzai reportedly has not used them to reach out to present Taliban leaders, possibly because the ex-Taliban are isolated and now have little influence.

#### E. Concluding observations

Towards the end of 2008, it was increasingly stressed from many quarters that there was an urgent need for a new, overarching political framework for international engagement in Afghanistan that would place more emphasis on creating conditions for a comprehensive peace process. The Bonn Agreement and the London Compact provided an opportunity to craft a real agenda for peace, but the opportunities were not seized. The Bonn agreements resembled a truce and not a real peace settlement. This shortcoming must be addressed if real peace is to take hold. The call is for a comprehensive peace effort, facilitated by the international community and a move away from tactical to the strategic.

While most of the foreign respondents interviewed for this report noted that negotiations must be owned and led by the Afghans, a number also pointed out the international community cannot wait passively for this to happen. At present there are several impediments to an Afghan-led initiative, including divisions within the government, lack of political vision and commitment to real reform (especially the security sector reform to create an environment of trust and prepare the right conditions for talks) and the difficult relations between Afghanistan and Pakistan. It would seem a third, neutral party, i.e. the United Nations, is needed to facilitate a process of dialogue and to enforce and guarantee the implementation of agreement reached.

*Manuscript completed in August 2008*

## Background Paper IV: Local bargains for peaceful coexistence

*By Aziz Hakimi*

A number of national actors and institutions, supported by the international community, are actively involved in local level efforts to reach out to insurgents and find a political solution to the conflict in the south. A series of ideas and mechanism have been tried. This report briefly describes the efforts to find political solutions in Helmand, in particular in the Musa Qala district. The report draws in part on correspondence with one of these actors, Michael Semple.<sup>18</sup>

### A. Summary

Several attempts at local conflict resolution have been made, although less publicised than the much-cited Musa Qala deals. The key consideration, as Michael Semple has pointed out, is not ‘will reconciliation work or will fighting work... it is how can you maintain the legitimacy of state violence unless you have a credible reconciliation track.’ It must also be understood that ‘reconciliation track does not immediately deliver peace – that also depends on take-up by the armed opposition, but it is an attempt to offer a prospect for peace, otherwise state forces and supporters are being asked to fight with no hope of a way out’. It must also offer the same prospect to insurgents who come to believe that the military confrontation is not leading to durable peace and are looking for a way out.

The role of reconciliation in battling the insurgency and as a strategic long term effort seems still to be poorly understood. Few lessons learned have been produced, leaving the question open to interpretations and innuendos. The efforts of the Afghan government and its international supports in Musa Qala are well publicised, making an in-depth study possible. The task remains difficult because of continued secrecy surrounding these efforts and limited data. This paper nevertheless tries to shed some new light on the political engagement efforts with insurgents in Musa Qala.

The main purpose of what Michael Semple has described as the EU’s ‘reconciliation contact work’ was ‘to probe inside insurgency related networks, with a mixture of political and military interlocutors... a) to understand the political compulsions of the networks behind the insurgency, b) to listen to what they have to say to us [presume international community and Afghan government], c) to explain the terms under which people able to enter the political process or at least legalise themselves and d) to put them in contact with the appropriate government reconciliation channel. As far Michael Semple is concerned, these activities were carried out under the EUSR mandate to ‘support the government of Afghanistan’s reconciliation programme’. He insists that ‘this was a supportive activity to what was supposed to be a government programme’. The political contact work, he advises, should be distinguished from the operational/security side run by others’.

There are presently differing perspectives on what really transpired in the two Musa Qala episodes, before and after December 2007, which for the purpose of this report shall be named Musa Qala-I and Musa Qala-II respectively. Some fear it represents a capitulation to the Taliban, sets a dangerous precedent, and may further weaken the authority of the central government. Others

---

<sup>18</sup> Semple responded on 15 August 2008 to a series of questions by e-mail with permission to cite.

defend the accord and say it could point to a way forward in negotiating peace in parts of Afghanistan.

## B. Musa Qala-I

Musa Qala, in northern Helmand province, had been a stronghold of Taliban insurgents and a scene of fierce battles with British troops before a controversial truce came into force in October 2006, under which British troops would quietly move out of Musa Qala in return for the Taliban not attacking the district centre. The fighting first started in February 2006, killing among others the district governor. British forces were deployed to defend the district offices at Musa Qala (and also at Sangin, Nowzad and Kajaki). The October 2006 truce, negotiated by local authorities and the village elders, was widely criticized as a concession to the insurgents, though British commanders defended the agreement as 'pioneering'. But with the Taliban back in the town a few months later, the British reputation had been badly tarnished. Press reports from the time suggest that the fighting in Musa Qala had been particularly fierce. Many British soldiers had died trying to defend the small outpost. The British were initially resistant to put their troops in what has been described as 'platoon houses', small contingents of British forces protecting small district centres in Helmand. When British troops were first sent to Afghanistan it was hoped they would help kick-start the country's reconstruction. But under pressure from President Hamid Karzai they were forced to defend Afghan government "district centres" at Musa Qala, Sangin, Nowzad and Kajaki. The move turned the four remote British bases into "magnets" for the Taliban. Most of the British soldiers killed in action in southern Afghanistan have died at Musa Qala, Sangin or Nowzad. The Platoon houses were a costly beginning.

There are differing views as to why the British decided to withdraw. One version says that the British forces were besieged, beleaguered and fatigued by the fighting. The small outpost was quite vulnerable to enemy attack, and reinforcement was considered risky and costly. In short, the decision was made that it was untenable for the forces to remain.<sup>19</sup> And in order to extricate the British troops and end the fighting the British general in command of ISAF, Lt. General Richards assented to withdraw his men five kilometres (three miles) from Musa Qala as part of an agreement negotiated by then recently appointed provincial governor Mohammad Daud and local elders. Approved by President Karzai, the deal meant that the elders would allow government officers into the town, allow the Afghan national flag to be flown and keep out the local Taliban groups, led by Mullah Ghaffour. Brigadier Ed Butler, the commander of the British taskforce, flew into Musa Qala to attend a shura, or council of town elders, to negotiate a withdrawal. The British commander has reportedly said that he was prepared to back a "cessation of fighting" if they [tribal elders] could guarantee that the Taliban would also leave. According to press interviews with British officers at the time, the deal was viewed as a blue print for future action. One officer is quoted as saying that 'there is always a risk...but if it works, it will provide a good template for the rest of Helmand. The people of Sangin are already saying they want a similar deal.' However, the US in particular saw things differently. They had criticized the deal saying that it was a 'truce with the insurgents'. The Musa Qala approach by the British also points out to military doctrinal differences among NATO allies.

According to a journalist who closely followed the events, the Musa Qala deal was not a truce. The deal was negotiated directly with Taliban. The deal allowed the beleaguered British troop to make an organised withdrawal, in effect handing over the district to the Taliban. The official version is that British troops made agreements with 'tribal elders', whereby the British soldiers would withdraw, and the tribal elders would keep the peace and not allow Taliban to occupy the district.

---

<sup>19</sup> This version is corroborated by a British military analyst close to the events in discussion with the research team on 3 September 2008.

Whichever the case, a five kilometer parameter around Musa Qala was designated as a 'protected' zone, under the control of elders. The rest of the district was occupied by Taliban. Michael Semple describing the 2006 Musa Qala agreement as an 'appropriate political response to a serious security challenges... that the subsequent controversy has far more to do with Kabul court politics... than any unsoundness of the approach on the ground', disagrees with those who believe the British forces were tired of fighting and were looking for a way out. Referring to the initial British deployment policy of 'platoon houses' in the outlying districts, 'which proved to be a magnet for the Taliban fire ... and offered no strategic advantage but defending them tied down massive resources... and faced with a growing insurgency instead of a peace-building situation', a review of this policy was needed and it was decided that 'international forces be used strategically, maximizing flexibility and mobility, letting them take the initiative'. This required as 'shift' from the platoon house approach. According to this thinking, it was 'much better to have Afghan authorities and forces administering/garrisoning the districts, than to have the international forces pinned down at this level'. According to Michael Semple the 'Musa Qala deal was part of this transition – get the international forces out of the untenable districts deployment and get the best available Afghan deployment to take their place'. He thinks the 'tired of fighting' slur is a product of the court politics and the disinformation'. 'Only a fool fights unnecessarily and without a strategic purpose', he chides critics.

The agreement, brokered by Mohammad Daud, the former governor, saw control of the town of Musa Qala pass to a locally-raised Afghan militia. It was the civilians of Musa Qala who made the first bid for peace, according to governor Daud and as reported in the international press. They made a council of elders and came to us saying: We want to make the Taliban leave Musa Qala. Eventually, the governor made a 15- point agreement with the elders, who pledged to support the government and the Afghan flag, keep schools open, allow development and reconstruction and work towards ensure security and stability of the region. The elders drew up a list of local candidates for the posts of district chief and police chief, from which the governor appointed the new officials.

According to Semple 'the initial arrangement was between governor and tribes'. The provincial governor (Mohammad Daud), with ISAF's support 'negotiated an arrangement with the leading tribal elders in the centre of Musa Qala, to come up with a district administration which would enjoy the confidence of both tribes and government'. ISAF or the government did not directly negotiate any terms with the insurgents, says Semple. As per the deal, the provincial governor agreed to appoint local candidates proposed by the tribal leaders to key positions in the district administration such as district chief and police chief. Once the agreed locals were appointed to these positions, 'these people in Afghan terms became government'. The understanding with the tribal elders was that they would 'ensure that the Taliban stayed out of the centre of Musa Qala'. To make sure this happened, the tribal leaders 'separately reached agreements with the local Taliban to this effect'. In order to police the agreement and ensure basic law and order situation, the district was also 'provided with a local police force – volunteers supplied by the tribal elders, to be trained and equipped under the Afghan National Auxiliary Police (ANAP) programme.' The arrangement, according to Semple, 'achieved the military objective of providing a basis for a more strategically effective ISAF deployment'. The agreement 'initially worked'. The tribal elders were able to 'set up their working administration and keep the Taliban out ... and ISAF was able to continue conducting operations beyond the radius covered by the agreement'. There were various attempts to 'expose the tribal elders as Taliban front men'. Eventually even the sceptics agreed that 'it was a pretty credible group of elders'.

The agreement has been welcomed by residents of Musa Qala. The onset of the lucrative poppy planting season may have been one of the incentives behind their desire for peace. Yet the Taliban presence remained strong in Helmand. The militants who were fighting British forces that summer

did neither disband nor disarm. The Taliban had pulled back to their villages, and often came in to town, though without their weapons. The newly appointed police chief of Musa Qala, Haji Malang, told reporters at the time that the Taliban and the police had agreed not to encroach on each other's territory. They have their place which we cannot enter and we have our place and they must not come in, he had said.

The Musa Qala agreement began to unravel, after three months of relative peace. A US bombing raid just outside the five-kilometre exclusion zone around the town narrowly missed Taliban leader Mullah Ghaffour, but killed his brother and 20 followers. The raid provided the occasion for Taliban to recapture of Musa Qala, which was achieved without much effort. Michael Semple views the outcome from a different perspective that is familiar in the context of today's Afghanistan. He does not suspect the elders of bad faith or blame them for their inability to protect the district from Taliban take over as they had promised in the agreement. He believes the most important reason why the Musa Qala arrangement did not last was because 'the government of Afghanistan and the international community proved stunningly ineffective and slothful in providing back up to the Musa Qala administration', which the elders had helped set up. The Musa Qala agreement provided the most stunning example of the 'failure of delivery and broken promises' by the Afghan government and the international community. Musa Qala, suggests Michael Semple, was not lost not by the tribal elders. It was lost by the Afghan government and its international backers. They can only blame themselves and no one else. Michael Semple has argued that the 'viability of the agreement depended upon the district administration, which the government of Afghanistan had put into the district under the agreement demonstrating that it served some useful purpose in the area, that it was credible... it needed to generate some work, dispense some patronage and build up its security force'. The sort of back up Semple deemed essential was never provided to the local administration in Musa Qala.

The one fact that all parties seem to agree on is that governor Daud was the victim of political feuding. The question was whether he was removed from office as the result of internecine Afghan politics or a struggle of wills between American and British officials who were at loggerheads over the Musa Qala deal. There are indications the answer could be both. In press interviews at the time, Governor Daud said he believed his dismissal was linked to drug smuggling interests and powerful warlords.

Semple seems to share this view. He believes that Karzai's supporters 'orchestrated what proved to be a brilliantly successful disinformation campaign, using all tools of court politics and the NDS, in the process successfully manipulated tensions between US and allies'. Semple says that the 'administration which was put in place in Helmand in 2001/2002 had developed control over the opium processing and trafficking routes. The key figures behind this significant international narcotics trafficking operation saw the presence of ISAF and a rule of law oriented version of Afghan government as an existential threat. They enjoyed access to the presidential palace and found allies with NDS. They identified Musa Qala as a strategic opportunity and launched a campaign to discredit the agreement and weaken the whole process of building up an administration based on the rule of law'. The local administration in Musa Qala looked very much like the district administrations throughout the beleaguered south, all of which have some level of understanding with the armed opposition'. The key myth that the NDS and others propagated was that 'this was a deal signed between the British and the Taliban'. The lobbying worked and president Karzai effectively disowned his own government. Michael Semple blames president Karzai for his willingness to uncritically accept views presented to him by people close to him, thus encouraging 'wilder and wilder stories of the selling out of Afghan sovereignty'.

In this context, the 'official demise of the Musa Qala deal is incidental', according to Michael Semple. If the deal had worked, the local administration supported by local tribal elders 'would

have been expanding their area of influence, based on patronage, alliances and strong backing from the provincial administration - offering people practical incentives to join in a zone of security', he said. Unfortunately, the 'political support for the agreement had effectively been withdrawn from the government side... it was anyway only a matter of time before it fell apart', he said. The local administration of tribal elders 'had no capacity to defend it politically or militarily', Semple noted.

### C. Musa Qala-II

Musa Qala-II refers to events that took place after the recapture by the Taliban in February 2007, effectively ending the truce arrangement agreed in October 2006. On February 1, 2007, a Taliban force about a hundred or possibly two hundred strong under Mullah Ghaffour captured the town, overran the district center and raised their trademark white flag. All tribal leaders who had arranged the truce with the British forces were jailed. The situation created a crisis for the NATO forces in Afghanistan, on the very day that the British commanding officer General David Richards handed over charge of the NATO team to an American, General Dan McNeill. MacNeil suggested that "surgical and deliberate" force be used to evict the fighters from Musa Qala. McNeill, the new NATO commander, opposed the kind of local agreements that Richards favoured. McNeill was in favour of more aggressive, less conciliatory approach. The district had been the scene of heavy fighting in late July 2007 after US-led forces attacked several insurgent hideouts in Helmand province. In October 2007 Reuters reported that U.S.-led coalition troops and Afghan government forces had fought a six-hour battle in Musa Qala. As with the July engagement, the Taliban concentrated their forces and fought to defend the region rather than using typical "shoot and run" tactics.

In December 2007, a reported forces of 2000 Taliban rebels occupied Musa Qala. After a brief battle, the Taliban insurgents withdrew from the area and the Coalition forces succeeded in recapturing Musa Qala. According to Michael Semple, 'one factor in the rapid and relatively bloodless success of the operation to re-capture Musa Qala was that it was preceded by a coordinated operation to talk Taliban commanders out of the fight. In no uncertain terms they were told that they faced a massive operation and the sensible thing was to pull out before they were obliterated'. Semple explained that he was asked by the British embassy 'to provide some ideas on how to ensure that the Taliban who opted not to fight in Musa Qala could be persuaded to reconcile, rather than regroup and the join the next fight. I agreed to provide advice and first spent a lot of time with the deputies of MOI and NDS in working out what else was planned (nothing) and pooling ideas. The idea of setting up MOI-authorized civilian training camp, in which reconciling fighters could undergo probation, before they were recruited into projects, was an outcome of those ministerial consultations'. Semple thinks 'it was a useful imitative...' In December 2007 Semple, accompanied by UNAMA official Mervyn Patterson (whom, he says, just came along for the ride) to Lashgar Gah to conduct 'further consultations with PRT, MOI, police and governor on the concept paper'. He says the trip 'was distorted and used against us'.

Semple says that in the course of the contact work he 'developed good relations with Abdul Salam Kajaki (Mullah Salam, the ex-Taliban commander who defected with around 300 followers in December 2007 and a month later was appointed district governor of Musa Qala), motivating him to reconciliation. According to Semple 'Hamid Karzai subsequently took up the case himself, decided to build him [Mullah Salam] as a wuluswal and ally and ordered that he be supported'. Michael Semple claims his 'responsibility stopped at the contact and motivation stage'. Mullah Salam is reported to have had strained relations with the Taliban. He was brought in and made the governor of the district. Until December 2007 when the UK moved in again, there was some kind of a functioning Taliban administration in Musa Qala, according to the Jean Mackenzie of IWPR. Presently, British troops hold the district centre and the outlying areas in a 2 kilometre radius.

Many suspect that the British government is not offering sufficient details on the Musa Qala events. The official position is that nothing was done with the knowledge and involvement of the Afghan government. An explanation offered more than once is that Semple might have had enemies (at local or Kabul level). A one time the governor of Helmand, Mr. Wafa, was mentioned as someone with a reason to see Semple's efforts fail (e.g. for failure to consult with or obtain approval from the governor).

#### D. Constraints and Opportunities

The critics of the Musa Qala agreement have denounced it, accusing the UK led NATO forces involved of too easily accepting defeat, undermining the Afghan government's authority by ceding territory and further empowering the insurgents. Supporters of the deal have argued that in substance the efforts were sensible and offered a chance for peace and stability, but they blame the Afghan government and some in the international community for scuttling the issue and undermining it by branding it a sell out to the Taliban. They argue that the failure of the provincial administration and certain power structures in Kabul to back up what had been put in place, a government administration in the district, effectively ended the chances of any success. They see this episode as part of a much larger 'record of failure of delivery, broken promises...' which has alienated the local population and allowed insurgents to benefit from the situation, as Semple puts it.

The underlying causes of the trouble in Musa Qala are familiar. After the collapse of the Taliban in 2001, a number of traditional tribal power holders and structures lost their influence and, in their place, a new set of governors and commanders moved in, supported by the US and Hamid Karzai, many of whom were corrupt and predatory. Their excesses and marginalization or mistreatment of other tribes - and Karzai's support of them - drove a number of old Taliban and jihadi commanders into revolt. Semple concludes that 'the story of almost every front in the insurgency starts with a commander who had tried to reintegrate peacefully but was driven out underground by the predators appointed by Hamid Karzai to the administration and police in Kandahar, Uruzgan, Helmand, Zabul...by protecting these administrators long after the problem became apparent, he [Karzai] made the insurgency inevitable and doomed reconciliation to remain as rhetoric'. Commenting on Karzai's political style, he takes issue with his 'tribal strategy which under-pinned the administration in the south, he [Karzai] provided the grounds for alienation of a range of tribes, something which was seized upon by Taliban when they reorganised'. Michael Semple has pointed out that 'justice, rule of law, inclusive tribal policy and quiet diplomacy were far more likely to deliver reconciliation at that stage than rhetoric'.

In Musa Qala's case, the profits from the drugs trade is also considered a key factor. According to some reports, when the British moved into Musa Qala, which was a major centre of drug trafficking, they were perceived as a threat to the lucrative trade from which many local strong men with links to the Karzai administration in Kabul benefited. One reason given for failure of the Musa Qala agreement is the lobbying of these actors at the Kabul level to portray the deal as a surrender to the Taliban and therefore to reverse the policy. They wanted the British forces out and for Musa Qala to return into the hands of the Taliban allied drug mafia.

The military balance has profound impact on moves towards negotiations. Semple concludes that 'grand deal reconciliation is impossible in current circumstances. But the insurgency consists of multiple networks, with a range of interests. The best hope at present is that specific networks who do not irretrievably identify their interests with ... Taliban or Al Qaeda types, should decide that armed struggle is not their best option and avail of reconciliation opportunity'. At current stage there are 'few grounds for hope that the government of Afghanistan has the credibility to pursue strategically effective reconciliation', he writes. Any shift to strategically effective reconciliation



‘would have to involve more accommodation – identifying legitimate demands specific to particular networks – rather than expecting insurgents just to take up an amnesty or submit’. Such a strategically effective reconciliation process will require a fundamental shift in perception and expectations. Any effective reconciliation could not be perceived by insurgents as a submission to the government. ‘There has to be a shift to facilitating reconciliation based on accepting the political system rather than visibly submitting to the administration’ Semple explained. He believes Karzai ‘has been blocking this option, as he uses reconciliation to try to bolster his personal base’.

There does not seem to be a common strategy or approach as to how these short term, tactical deals to protect troops in insurgency affected areas are to be made. Depending on the situation and the country which has troops on the ground, various and varied attempts have been made on the ground with mixed results. No agreed blue print exists, neither any discussion towards creating such a blue print to guide action on the ground. This is attributed to the fractured nature of NATO/ISAF and the various caveats under which troops operate. Major obstacle for genuine, high level reconciliation is due to the divisions within the Afghan government as well as the international community, which is too divided and might not be able to support an Afghan agenda for talks, is likely to use its veto power (particularly the US) which will undermine the entire process and delegitimize the Afghan government/actors. So far no proper lessons learned have been drawn from the various deals that have been made.

## Background Paper V: Local peacebuilding

*By Akbar Sarwari and Arne Strand*

The conflict in Afghanistan is most frequently presented as a national one, primarily fought between the armed opposition and the Afghan government and the international forces. This is however only a fraction of the conflicts and violence the Afghans are exposed to. Such localised conflicts are however frequently linked to the national conflicts or can serve as reason for military mobilisation against the Afghan government.

An Oxfam report<sup>20</sup> confirm that the three major causes of disputes and conflict in communities in Afghanistan are over 1) land, 2) water, and 3) family. Those these communities regard as posing the greatest threat to their security are 1) Taliban, 2) warlords, 3) criminals, 4) international forces and 5) drug traffickers.

There is a long tradition in Afghan of local conflict resolution, based on traditional norms, consensus seeking solution in (all male) councils (as *shura/jirga*) and following compensation or exchange between the parties in the conflict. This could be within a family or a village, between families and villages or between tribes or ethnic groups. These councils were not permanent bodies, but all men were called to join in the decision making when called upon. They differ from what became the more permanent military *shuras*, or the national *jirgas* – as the *Loya Jirga* – called to endorse the authority of kings and presidents and approve constitutions.

These traditional councils were used to solve conflicts, though often at the expense of the interest and rights of women. Their decisions set norms of communal behaviour and to what extent violence should be used if parties to the conflict refused to comply with the decisions made. With the emergence of military organisations, commanders and warlords, and the subsequent increased armament in the population, the power of the councils were to a certain degree reduced. That took place at the same time as the localised conflicts escalated, became more violent and frequently linked up to conflicts at a regional level or developing into an ethnic based and organised conflict.

Many non-governmental organisations (NGOs) allied themselves with the militant structures to deliver their emergency and solidarity assistance during the 1980s, empowering some and disempowering others – but adding to the conflicts. The reduction in military support during the early 1990s increased the commander's importance of having access to emergency assistance and rehabilitation projects to maintain their position as they could provide support for their followers.

While the main peacebuilding focus has been on the national processes there are closely interwoven with localised conflicts, some caused by the many years of conflict. The lack of security in many parts of Afghanistan has eroded the Afghan population's faith in the Kabul government and the international community, and might at times ease the military mobilisation against them. Arguably, what might be defined as peacebuilding from below (as preventing or solving local conflicts) might reduce the risk of escalation and spread of conflict and militant mobilisation.

This lead us to identify three different forms of local peacebuilding: one is where the larger kinship or traditional local structures addresses conflicts within and between these; the second is though

---

<sup>20</sup> Matt Waldheim (2008), *Community Peacebuilding in Afghanistan. A Case for a National Strategy*. Oxford, Oxfam International Research Report

deliberate planning and organisation of rehabilitation/ development activities; and the third is specific NGO organised peace projects.

#### A. Kinship and traditional conflict resolution structures

The study has identified a number of ethnic kinship organisations (*shuras* or *jirgas*) that are established to deal with disputes and armed conflicts within the specific groups, but moreover to represent the interest of their ethnic groups towards other ethnic groups and government bodies. These traditional bodies hold very different tasks than i.e. the Pakistan- Afghanistan Peace Jirga that was established for a specific purpose. The ethnic group most known for such form of organisation is the Pashtuns, where the *pashtunwali* guide and regulate them. The punishment applied for murder, violence and cultural offences are strict, including blood-revenge, aimed at managing ongoing conflicts and preventing new ones. As an example, following the fall of Taliban a large *jirga* came together and decided that everyone that had been involved with all previous governments were allowed to return and live in their communities, provided they had not committed gross human rights violations.

There are similar structures for other ethnic groups, notably Tadjiks and Uzbeks, while for the Hazara community in Kabul the religious leader Ayatullah Mohseni provide for consultation using Islamic codes. The Tadjik *shura* based in Kabul is lead by a former Jamiate commander with higher education from the US, supported by a staff of 35 persons. An Uzbek representative reported that the ethnic group had annual meetings where major disputes were resolved.

These traditional council structure exists also at the local level, where they remain important in settlement of local conflicts and, effectively, in conflict prevention. Given the high level of corruption in the official legal system, and lacking ability to process cases, many Afghans prefer to have their cases settled by these local structures. That includes all types of such cases as listed by the Oxfam report, including settlement of land and property disputes for returning refugees and IDPs.

Dealing with conflicts within a kinship group or at the local level might prevent escalation of the conflict, and in most cases processes the case and present solutions and judgements that is traditionally and culturally acceptable. That stated, it is evident that influential persons will be able to hold influence on the decisions made and that the rights and interest of women is not prioritised. Still, if the settlement is regarded as just in an Afghan context it might at least help prevent or solve conflicts that otherwise could have led to further destruction and loss of life.

#### B. Working for peace

We can identify two main peace-building strategies among NGOs, UN agencies and Afghan civil society organisations, although some of them have elements from or combine these strategies.

The first strategy is applied by organisations that through their various rehabilitation and development projects aim to address and reduce local conflicts by the way they organise their project processes and activities. This has developed out of a concern in the NGO community in the early 1990s over how aid could fuel conflicts and where concepts as “Do No Harm” and communal peace-building was introduced and explored. This led to the establishment of a number of Afghan NGOs provided training in these fields, and thereby built a network in the NGO community. Many of those who became engaged in such activities are now among the many former NGO employees whom have been recruited to influential positions in the government structure.

The second strategy is for organisations to establish projects or activities aimed at either strengthening traditional conflict resolution structures or establish new at village and district levels.

Tuning to the first strategy, the aim is to ensure that rehabilitation and development projects at the least don't contribute to conflict, or better: addresses and tries to prevent conflicts in the communities where projects are implemented. This strategy is often based on collaboration with village or community councils that is trained to identify and manage projects. Some NGOs provide these councils specific training in conflict management. That same goes for the Community Development Councils (CDCs) established for the National Solidarity Programme, where NGOs facilitate and train the village councils. There are a number of examples of these councils negotiating local agreements (possibly only temporary) that allows for implementation of humanitarian and development projects, and for protection of staff of implementing agencies.

There are likewise examples of activities of NGO and UN agencies that have either tried to prevent local conflicts, as establishing a school for different ethnic groups rather than accepting to build separate ones. Or ensured that projects benefit all communities in an area they work in, as with the distribution of water from canals or water pumps. Multi ethnic staff, respect for local customs and proven track record in the communities over a large number of year are elements that enable organisations to address local conflicts.

The second strategy is undertaken by Afghan NGOs that by different means are establishing activities that aim to contribute to peace, conflict resolution and nation building in Afghanistan. Among these are the umbrella organisation Afghan Civil Society Forum (ACSF) that aims for active citizen participation through targeted civic education, advocacy, reconciliation and capacity building programmes. Cooperation for Peace and Unity (CPAU) prioritise social peace-building at the grassroots level by strengthening local structures and generating an understanding of a shared responsibility for constructive transformation of conflicts. CPAU also undertakes advocacy work, peace-education and research and consultancy on development and peace topics. Mediothek/ASSONP, works through traditional and existing shuras where they provide them tools for peace settlement and building and assist them in settling conflicts. Sanayee Development Organisation (SDO) has in addition to advocacy, awareness rising and community peace-building established co-existence councils in 5 provinces. These aim to re-establish relations among tribes and ethnic groups, and deals with conflicts emerging from the return of refugees and IDPs. Training Human Rights Association for Afghan Women (THRA) is involved in peace-building and rights awareness though conducting conferences and workshops, undertake advocacy work and organise peace campaigns, as the Peace Day.

There is an understanding among these organisations that peace-building is a long-term process, and a challenging task given insecurity in many areas and the presence of powerful (and armed) actors, high unmet social and development needs and the lack of a formal legal system. Acknowledging that there will always be conflicts and disputes, the realistic aims of such organisations listed above is to introduce and encourage communities with processes and skills that enables them to manage their conflicts in less violent ways, while raising awareness of rights and establish networks that support social transformation.

*Manuscript completed January 2009*



## SUMMARY

This report is a preliminary mapping of initiatives designed to promote peace and reconciliation in Afghanistan. It is a snapshot in time, focusing on practices or arrangements that were still ongoing during the second half of 2008, or had recently been undertaken and stored, as it were, in the public inventory of conflict mitigating and peacebuilding measures.

The report focuses on initiatives related to the insurgency mounted by Taliban soon after they were driven from power by the US and the Northern Alliance forces in late 2001. The insurgency steadily gained strength after 2004 and, while most strongly entrenched in the east and the south, by the end of 2008 the insurgents had moved closer to Kabul. They posed a serious threat to the authority of the government, were a growing source of regional tension, particularly in relation to Pakistan, and challenged the very credibility of NATO, which failed to get the military upper hand despite increasing force deployment. By the end of 2008, the international force level in Afghanistan had reached 79 000. With scheduled additions of US troops in 2009, it would rise to around 100 000, approximating the size of the Soviet contingent before Kremlin started the withdrawal in 1989.

**Printed version: ISSN 0805-505X**

**Electronic version: ISSN 1890-503X**

**Printed version: ISBN 978-82-8062-315-7**

**Electronic version: ISBN 978-82-8062-317-1**

Chr. Michelsen Institute (CMI) is an independent, non-profit research institution and a major international centre in policy-oriented and applied development research. Focus is on development and human rights issues and on international conditions that affect such issues. The geographical focus is Sub-Saharan Africa, Southern and Central Asia, the Middle East, the Balkans and South America.

CMI combines applied and theoretical research. CMI research intends to assist policy formulation, improve the basis for decision-making and promote public debate on international development issues.